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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

CAMBODIA

1. The Committee considered the initial report of Cambodia (CRC/C/11/Add.16), submitted on 18 December 1997, at its 629th and 630th meetings (see CRC/C/SR.629-630), held on 24 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which follows the guidelines for reporting, and of the written replies to its list of issues (CRC/C/Q/CAM.1). The Committee is encouraged by the constructive dialogue it had with the State party's delegation and welcomes the reactions to the suggestions and recommendations made during the discussion. The Committee also welcomes the presence of a high-ranking delegation directly involved in the implementation of the Convention which allowed the Committee to have a full assessment of the situation of the rights of the child in the State party.

* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee welcomes Cambodia as a State party to the six major international instruments for the protection of human rights. The State party's ratification (1999) of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction is also welcomed.

4. The Committee welcomes the inclusion by the State party in its 1993 Constitution (art. 48) the protection of the rights enshrined in the Convention on the Rights of the Child.

5. The memorandum of understanding signed by the Government of Cambodia and the Office of the High Commissioner for Human Rights (1996), which established a programme of technical assistance and advisory services on human rights, including the rights of child, is welcomed by the Committee.

6. The Committee welcomes the measures taken by the State party to combat child labour such as the ratification in 1999 of the ILO Minimum Age Convention (No. 138) and the signing of a memorandum of understanding by the Government of Cambodia and ILO/IPEC in 1997.

7. The Committee welcomes the participation of non-governmental organizations in the preparation of the State party's initial report as well as in the implementation of the Convention.

C. Factors and difficulties impeding progress in the implementation of the Convention

8. The Committee notes with concern that the State party is facing many difficulties in the implementation of the Convention, in particular, owing to the legacy of more than 20 years of genocide, armed conflict and political instability as well as to the isolation suffered by the State party for many years. The Committee also notes that the State party's very difficult socio-economic situation is affecting the most vulnerable groups, including children, and hampers the enjoyment of their rights.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

9. While aware that the State party's legislative framework covers several provisions of the Convention and that efforts have been undertaken to draft new legislation, the Committee remains concerned that domestic legislation still needs to be reviewed and new laws enacted to fully respect the Convention. The lack of enforcement of the existing legislation is also a matter of concern.

10. The Committee recommends that existing laws be reviewed with a view to bringing them into line with the provisions of the Convention, in particular with general principles (arts. 2, 3, 6 and 12). Special attention needs to be paid to the areas of birth registration,

family and alternative care, and juvenile justice. The Committee further recommends that the State party include children's rights concerns in the current and future processes of drafting legislation, in particular the draft Civil, Criminal and Criminal Procedures Codes. In this regard, the Committee encourages the State party to continue to seek technical assistance from OHCHR and UNICEF, among others.

Coordination

11. Although the Committee welcomes the establishment of the Cambodian National Council for Children (CNCC), which is in charge of coordinating the implementation of the Convention, it expresses its concern about the Council's ability to carry out its mandate fully in an effective manner throughout the territory of the State party. In particular, concern is expressed at the Council's lack of human and financial resources.

12. The Committee recommends that the State party take effective measures, including through international cooperation, to strengthen the role of the Cambodian National Council for Children (CNCC) in coordinating the implementation of the Convention at the national, regional and local levels. Greater efforts should be made to provide the CNCC with more substantial human and financial resources and to establish closer cooperation and coordination with non-governmental organizations working in the field of children's rights.

Monitoring

13. The Committee is concerned at the State party's limited capacity to monitor the implementation of the Convention and at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention.

14. The Committee recommends that the State party consider establishing an independent mechanism (e.g. Ombudsperson for Children) to monitor the implementation of the Convention and to deal with children's complaints of violations of their rights in a child-friendly and expeditious manner, and to provide remedies for such violations. The Committee further suggests that the State party conduct awareness-raising campaigns to facilitate the effective use by children of the mechanism.

Data collection

15. The Committee welcomes the measures taken by the State party in the area of data collection, such as the Education Management Information System and the Health Information System. Nevertheless, concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data collection mechanism for all areas covered by the Convention, including child abuse and ill-treatment, children belonging to minority groups, girls, children in rural areas, and child victims of sale, trafficking and prostitution.

16. The Committee recommends that the State party continue with the development and strengthening of its data collection system, with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and

specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and be used to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from UNICEF, among others.

Budgetary allocations

17. While the Committee is aware that most of the State party's infrastructure and social services were destroyed as a result of decades of war, it expresses its concern at the insufficient attention paid to the provisions of article 4 of the Convention concerning budgetary allocations to the "maximum extent of ... available resources".

18. The Committee recommends that the State party give priority to ensuring that the maximum available resources are allocated to health, education and social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. In this regard, the Committee encourages the State party to continue and foster open cooperation with the international community, in particular within the coordinated framework of the donors' Consultative Group on Cambodia.

Dissemination of the Convention

19. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, such as the inclusion of the Convention in school curricula, the Committee is of the opinion that these measures need to be strengthened.

20. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention in order to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among minority groups as well as in rural and remote areas. The Committee encourages the State party to consider seeking technical assistance in this area from UNICEF and OHCHR, among others.

Training for professionals

21. The Committee welcomes the State party's efforts, in cooperation with OHCHR and UNICEF, in providing training for professionals working with and for children. Nevertheless, the Committee is of the opinion that current programmes need to be developed further in order to reach all groups of professionals.

22. The Committee encourages the State party to continue to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from OHCHR and UNICEF, among others, could continue to be requested in this regard.

2. Definition of the child

23. The Committee is concerned at the lack of a clear legal definition of the child in the State party's legislation. In particular, concern is expressed at the lack of minimum legal ages of sexual consent and of criminal responsibility.

24. In light of the principles and provisions of the Convention, the Committee recommends that the State party include in its legislation a definition of the child. The Committee further recommends that the State party take into consideration, in the process of drafting its new legislation, the incorporation of minimum ages of criminal responsibility and sexual consent. Furthermore, the Committee recommends that the State party enforce the law on minimum age for marriage.

3. General principles

25. The Committee is concerned that the measures adopted to incorporate the general principles of the Convention in the State party's domestic legislation are insufficient.

26. The Committee recommends that the general principles of the Convention (i.e. non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and the respect for the views of the child (art. 12)) be included in all relevant legislation affecting children and taken into account in all administrative and judicial decisions, as well as in all policies and programmes related to children. Awareness-raising among the public at large, including community and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.

Non-discrimination

27. With regard to article 2 of the Convention, the Committee expresses its concern at the existing patterns of discrimination on the grounds of gender, ethnic origin, HIV/AIDS status and disability. In particular, concern is expressed that the State party's Constitution refers only to the rights of Khmer citizens.

28. The Committee recommends that the State party ensure that all the rights enshrined in the Convention are enjoyed by all children, without any distinction. The Committee further recommends that the State party take effective measures to eliminate discrimination against girls, in particular with regard to their access to education. Efforts need to be made to eliminate discrimination against children living and/or working on the streets and children belonging to minority groups, especially of Vietnamese origin. Furthermore, the Committee endorses the recommendations made to the State party by the Human Rights Committee in 1999 (CCPR/C/79/Add.108, para. 17) and by the Committee on the Elimination of Racial Discrimination in 1998 (CERD/C/304/Add.54, paras. 11-13) in this regard.

4. Civil rights and freedoms

Birth registration

29. With regard to the implementation of article 7 of the Convention, the Committee expresses its concern that birth registration is not compulsory and consequently not all children are registered at birth.

30. The Committee recommends that the State party review its domestic legislation in accordance with the principles and provisions of the Convention, with a view to making birth registration compulsory for all children, without any type of discrimination. Children of non-Khmer citizens, regardless of their legal status, or refugees, when born in Cambodia, should always be registered at birth even if they are not entitled to Cambodian nationality. The Committee further recommends that the State party undertake effective measures to enforce the existing sub-decrees related to the Resident Book (No. 73) and the Family Book (No. 74), both of 1997, in particular to ensure that all children who were not registered at birth are registered. In addition, the Committee recommends that the State party conduct awareness-raising campaigns to encourage the registration of all children at birth. The Committee encourages the State party to consider seeking international cooperation from UNICEF and other international organizations to this end.

Nationality

31. The Committee is concerned that the State party's Law on Nationality (1996) might lead to discrimination against children of non-Khmer origin and might, in violation of article 7 of the Convention, leave as stateless a large number of children born in Cambodia, such as children belonging to minority groups.

32. The Committee recommends that the State party's Law on Nationality be reviewed in the light of the Convention with a view to eliminating all grounds of possible discrimination and eradicating and preventing children being stateless.

Participatory rights of children

33. With regard to children's participatory rights, concern is expressed at the insufficiency of the measures undertaken by the State party to promote the participation of children in the family, the community, the schools and other social institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association.

34. In light of articles 12-17 of the Convention, the Committee recommends that further measures, including legislation reform, be undertaken to promote the participation of children in the family, the school and other institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association. Public awareness of the participatory rights of children needs to be increased in families, communities, institutions and schools.

Access to appropriate information

35. The Committee is concerned at the lack of legislation to protect children from harmful information and material injurious to their well-being and development, as well as to guarantee their access to appropriate information.

36. In light of article 17 of the Convention, the Committee recommends that the State party enact special legislation to protect children from harmful information, in particular from television programmes and films containing brutal violence and pornography, and to guarantee their access to appropriate information. The Committee further recommends that the State party take into consideration the Committee's recommendations during its day of general discussion (1996) on the child and the media (CRC/C/57).

5. Family environment and alternative care

Children deprived of their family environment

37. The Committee is concerned that children tend to be placed in child welfare centres or children's homes rather than in foster care or adopted; at the lack of regulations for the operation of such centres; and at the increasing number of orphans owing to the HIV/AIDS epidemic and the limited measures available to cope with this situation.

38. The Committee recommends that the State party undertake effective measures to promote, through counselling and community-based programmes, the family as the best environment for the child and to empower parents to take care of their children in order to avoid placement in child welfare centres.

39. The Committee recommends that the State party develop policies and regulations regarding children's institutions and other forms of alternative care. Social services need to be strengthened and expanded to cover a larger number of children, in particular children orphaned by the HIV/AIDS epidemic, and alternative forms of care, such as foster families, need to be developed. The Committee further recommends that sufficient financial and human resources be allocated for these purposes. International technical and financial assistance in this regard is also recommended.

Adoption

40. While noting the State party's efforts in drafting a new intercountry adoption law that accords with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, the Committee remains concerned that the existing legislation on domestic adoption is not in accordance with the Convention and that existing adoption procedures are usually not respected and are reported to be marked by corruption and abuse. Concern is also expressed at the prevalence of illegal informal adoption.

41. The Committee encourages the State party to continue with the process of enacting its legislation on intercountry adoption and to undertake legislative reform of the existing legislation on domestic adoption. In this regard, the Committee takes note of the

State party's willingness to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and encourages it to do so. Furthermore, the Committee recommends that the State party strengthen the adoption bureau. International assistance could be sought from UNICEF, among others, in that regard.

Child abuse and ill-treatment

42. Concern is expressed at the insufficient awareness of the scope and harmful consequences of mistreatment and abuse of children, including sexual abuse, both within and outside the family; the insufficient resources, both financial and human, to prevent and combat child abuse; and the insufficient care and rehabilitation measures, including facilities available for child victims of abuse.

43. In light of articles 19 and 39 of the Convention, among others, the Committee recommends that the State party take effective measures, including setting up multidisciplinary programmes and care and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and other institutions, and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; adequate child-friendly procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation from UNICEF and international non-governmental organizations to this effect.

6. Basic health and welfare

Right to survival and development

44. The Committee welcomes the international cooperation initiative "Strengthening Health Systems" between the Ministry of Health and several United Nations agencies (WHO, UNICEF, UNDP and UNFPA), which aims at rebuilding the Government's capacity in the development of a national programme for immunization, in particular against polio. Nevertheless, concern is expressed that the State party's infant mortality and under-five mortality rates remain among the highest in the region. Child malnutrition is also an area of concern.

45. The Committee recommends that the State party address the issue of childhood morbidity and mortality by taking a multisectoral approach recognizing the critical role of illiteracy, lack of clean water supplies and food insecurity in the current pattern of childhood illnesses. Priority areas must be identified on the basis of baseline data collected by careful and comprehensive research. Such a strategy must take into account that most health care takes place outside health facilities and outside State control; it must also recognize the needs of particularly isolated communities. In addition, the Committee recommends that measures be put in place for establishing an efficient primary health-care

sector, including strategies to encourage care-seeking for childhood illnesses. In this regard, the Committee encourages the State party to continue working in cooperation with international agencies.

Children affected or infected by HIV/AIDS

46. While aware of the measures taken by the State party for the prevention of HIV/AIDS and the care of infected persons, the Committee expresses its deep concern that the State party has the fastest growing rate of HIV/AIDS infection in the region and that children are among the most affected groups, in particular due to mother-to-child transmission.

47. The Committee recommends that the State party continue to take effective measures for the prevention of HIV/AIDS, including awareness-raising and educational campaigns. The Committee further recommends that the State party take into consideration the Committee's recommendations adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80). International technical assistance from UNICEF, WHO and UNAIDS, among others, should continue to be requested in this regard.

Children with disabilities

48. The Committee expresses its deep concern that as a result of the prolonged armed conflict, the State party has one of the highest levels of disability in the world. In this regard, the Committee notes that most services for children with disabilities are provided by NGOs, which need substantial resources to maintain the current high standards of care and rehabilitation services.

49. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), the Committee recommends that the State party work in close collaboration with and support the activities of NGOs working in this field in order to develop early identification programmes to prevent disabilities; implement alternative measures to the institutionalization of children with disabilities; plan and carry out awareness-raising campaigns to reduce discrimination; establish special education programmes and centres and encourage the inclusion of disabled children in the educational system and in society; and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities.

Right to health and health services

50. Concern is expressed at children's limited access to health services, due notably to the shortage of medical and public health personnel and the insufficient number of primary health centres, in particular in rural areas. Concern is also expressed at the high cost of health care and medicines, which lead families into debt and greater poverty.

51. The Committee recommends that health-care services and medicines be improved and extended in order to guarantee the access of children belonging to poor families and other marginalized groups.

Adolescent health

52. The Committee expresses its concern at the high maternal mortality rate, the limited access by teenagers to reproductive and sexual health education and counselling services, including outside the school system, and the low level of contraceptive use. Concern is also expressed that insufficient attention has been given to issues of adolescents' mental health.

53. The Committee recommends that the State party undertake a comprehensive and multidisciplinary study to determine the scope of adolescent health problems, including mental health, as a basis for promoting adolescent health policies and strengthening reproductive health education. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents.

7. Education, leisure and cultural activities

54. While welcoming the current efforts being carried out by the State party, in cooperation with international agencies, to improve its educational system, the Committee expresses its concern at the fact that primary education is not compulsory; that although enrolment rates in primary school are relatively high, equal access to quality education is not ensured owing to a lack of schools in rural and remote areas; that there are gender disparities in school attendance; that there are high repetition and drop-out rates; and that a majority of children belonging to minority groups do not have access to any form of education.

55. The Committee recommends that the State party continue to undertake effective measures to make primary education free and compulsory for all children; to increase the enrolment rates and decrease drop-out and repetition rates; to increase access to schools, in particular for poor children, girls, children belonging to minority groups and children living in remote areas. The Committee further recommends that the State party continue to take measures to improve its education system by increasing budget allocations for the education sector; providing training to upgrade teachers' skills; making the school curricula more relevant to children's needs; expanding opportunities for vocational training and non-formal education, including at pre-school and secondary levels; and establishing an evaluation system to measure the effectiveness of the education system.

8. Special protection measures

Refugee children

56. Concern is expressed at the lack of a legal framework for the protection of *unaccompanied, asylum-seeking and refugee children.*

57. The Committee recommends that the State party take the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards, and to develop a family reunification procedure to assist refugee children who might be separated from their families. Technical assistance from UNHCR could be sought in this regard.

Children affected by armed conflict

58. While welcoming the enactment of legislation prohibiting the military recruitment of children under 18 years and the State party's willingness to demobilize the remaining under-age soldiers in the army, the Committee expresses its concern at the insufficient measures for social reintegration and physical rehabilitation of former child soldiers. Concern is also expressed at the high number of landmines planted in the State party's territory during the recent armed conflict which represent a threat to the lives of children.

59. The Committee recommends that the State party take effective measures for the identification, demobilization and psychological rehabilitation and reintegration in society of child soldiers and to undertake awareness-raising campaigns for army officials to prevent the further recruitment of child soldiers. The Committee further recommends that the State party continue to work in cooperation with UNICEF for the rehabilitation and reintegration of under-age soldiers.

60. With regard to the problems of landmines, the Committee recommends that the State party increase budget allocations for demining in post-conflict areas and that awareness-raising campaigns be conducted to prevent mine-related accidents. Furthermore, the Committee recommends that the State party continue to work in cooperation with international agencies for the elimination of landmines.

Economic exploitation

61. The Committee is concerned about the large number of working children, including in the informal sector, in agriculture and in the family context. Concern is also expressed at the inefficient enforcement of existing labour laws.

62. The Committee recommends that the State party enforce the provisions of the Labour Law regarding the minimum age for access to employment; that labour inspectors be trained and provided with the means to monitor child labour; and that appropriate sanctions be applied to violators. The Committee further recommends that the State party enact legislation protecting children from hazardous forms of labour. The Committee acknowledges that the State party is considering ratification of the new ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 and encourages it to do so.

Sexual exploitation and trafficking

63. While welcoming the enactment of special legislation to combat sexual exploitation and the adoption of a five-year Plan of Action against Sexual Exploitation of Children (2000-2004)

and other related measures in this area, the Committee expresses its concern at the widespread phenomena of child prostitution and the sale and trafficking of children; the inadequate enforcement of the new legislation on these issues; and the shortage of trained people and institutions to provide rehabilitation to the victims.

64. The Committee recommends that the State party review its legislation with a view to reinforcing it, and in the meantime to enforce fully its current legislation against sexual exploitation; that the Plan of Action be fully implemented; that sufficient resources, both human and financial, be allocated for the implementation of the Plan; that social services for the rehabilitation of child victims of sexual exploitation be strengthened and expanded; that violators be prosecuted; and that bilateral cooperation, especially with neighbouring countries, be strengthened and border controls increased. The Committee suggests that the State party seek further technical assistance from OHCHR and UNICEF, among others.

Administration of juvenile justice

65. With regard to the situation of children in conflict with the law, concern is expressed at the lack of special legislation, policies and programmes in this area; at reports of children detained in prisons with adults; the situation of children detained for extended periods without being charged and without access to a lawyer or to a court; and the reports of detained children allegedly being subjected to beatings and other ill-treatment.

66. The Committee recommends that the State party establish a juvenile justice system, taking into account the principles and provisions of the Convention, in particular articles 37, 40 and 39, and other relevant United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee further recommends that the State party develop a comprehensive policy and programmes regarding the situation of children in conflict with the law, with particular attention to the situation of children deprived of their liberty and to the prevention of juvenile delinquency. Furthermore, the Committee recommends to the State party to consider seeking technical assistance from OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice, among others.

Dissemination of reports

67. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.

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COMMITTEE ON THE RIGHTS OF THE CHILD

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

MALTA

1 The Committee considered the initial report of Malta (CRC/C/3/Add.56) submitted on 26 December 1997, at its 633rd and 634th meetings (see CRC/C/SR.633-634), held on 26 May 2000, and adopted* the following concluding observations.

A. Introduction

2 The Committee welcomes the submission of the State party's initial report, which follows the guidelines for reporting as well as the detailed and informative written answers to the list of issues (CRC/C/Q/MALT.1). The Committee is encouraged by the fruitful and constructive dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee regrets that the head of the State party's delegation was not a government official. Nevertheless, the Committee appreciated the delegation's high level of expertise on children's rights, which enabled the Committee to assess fully the situation of the rights of the child in the State party.

* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3 The Committee welcomes Malta becoming party to the main human rights international instruments as well as to the European Convention on Recognition and Enforcement of Decisions concerning Custody and on Restoration of Custody of Children (1999), the European Convention on the Exercise of Children's Rights (1999), and the Council of Europe Framework Convention for the Protection of National Minorities (1998).

4 The State party's accession to the ILO Convention concerning Minimum Age for Admission to Employment (No. 138) is welcomed by the Committee.

5 The Committee welcomes the translation of the Convention into Maltese.

C. Principal areas of concern and recommendations

1. General measures of implementation

Reservation to the Convention

6 The Committee notes that the reservation to article 26 of the Convention entered by the State party upon ratification of this international instrument may have an adverse effect on the existing levels of social services and benefits for children.

7 **In light of the 1993 Vienna Declaration and its Programme of Action, the Committee recommends that the State party review the reservation made to article 26 of the Convention with a view to withdrawing it.**

Legislation and status of the Convention

8 While noting that a draft bill, entitled "The Children Act", is being considered by Parliament and that this bill will consolidate into one law all existing provisions relating to children's rights, the Committee expresses its concern at the fact that the Convention has not yet been fully incorporated into the legislation. The Committee is also concerned over the status of the Convention within the legal system of the State party, specially concerning the resolution of conflicts between the Convention and the State party's legislation.

9 **The Committee recommends that the State party continue taking effective measures to incorporate all the principles and provisions of the Convention into its domestic legislation and encourages the State party to expedite the enactment of a consolidated law on children's rights.**

Coordination and monitoring

10 Although the Committee is aware of the State party's initiatives to review the role of the Social and Family Welfare Department, which is the governmental institution in charge of coordinating and monitoring the implementation of the Convention, it is concerned about its

limitations in performing its mandate effectively. In this regard, the Committee also notes with appreciation that the State party is giving consideration to the establishment of an Ombudsperson for Children to strengthen the monitoring of the implementation of the Convention.

11 **The Committee recommends that the State party continue with its process of reform with a view to strengthening coordination of the implementation of the Convention. The Committee further recommends that the State party take effective measures to guarantee broader levels of representation in all actors involved in the implementation of the Convention in the existing coordination mechanism.**

12 **The Committee encourages the State party to establish an independent mechanism (e.g. an Ombudsperson for Children) to strengthen the monitoring of the implementation of the Convention. The Committee suggests that this mechanism be made easily accessible to children and that it deal with complaints of violations of their rights in a child-friendly manner and provide effective remedies for such violations. The Committee further suggests that the State party conduct awareness-raising campaigns to facilitate the effective use by children of the mechanism.**

Data collection

13 While aware that the State party's report and the responses to the list of issues include statistics on the situation of children's rights, the Committee remains concerned at the limited coordination in the collection of data for all areas covered by the Convention.

14 **The Committee recommends that the State party continue updating its data collection system with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children (i.e. children with disabilities, children born out of wedlock, refugee children and children belonging to minority groups) as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention.**

Budget allocations

15 The Committee takes note of the State party's child-oriented policy, entitled "A Caring Society in a Changing World", which is currently being discussed. Nevertheless, it expresses its concern at the fact that there is still no comprehensive national policy for the implementation of children's rights in accordance to article 4 of the Convention.

16 **The Committee recommends that the State party give priority to the full implementation of article 4 of the Convention and ensure the appropriate distribution of resources. Budget allocations for the implementation of the economic, social and cultural rights of children should be ensured "to the maximum extent of available [...] resources" (art. 4). The Committee also recommends that the State party take effective measures for the full implementation of a national policy on the rights of the child, with due regard to the holistic nature of the Convention.**

Dissemination of the Convention

17 While aware of the measures taken to promote awareness of the principles and provisions of the Convention, the Committee expresses its concern about the limited nature of these measures.

18 **The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. In this regard, the Committee encourages the State party to continue with its plans to publish a child-friendly version of the Convention. Awareness-raising among the public at large as well as educational programmes on the implementation of the principles and provisions of the Convention should also be reinforced.**

Training for professionals

19 Although it is noted that the Convention is made known in law schools, the Committee expresses its concern at the lack of training activities for professional groups working with and for children.

20 **The Committee recommends that the State party undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers.**

2. Definition of the child

21 The Committee acknowledges that the State party is reviewing its legislation to include a minimum legal age for medical counselling without parental consent. Nevertheless, concern is expressed that at present the minimum legal age for such counselling is set at 18 years. Concern is also expressed that the minimum legal age for criminal responsibility, set at 9 years, is too low.

22 **The Committee recommends that the State party review its domestic legislation regarding the minimum legal ages for criminal responsibility and for access to medical counselling without parental consent to bring them in accordance to the principles and provisions of the Convention, especially the best interests of the child.**

3. General principles

Non-discrimination

23 Although the Committee takes note that the draft Children Act will eliminate the use of discriminatory terms in the State party's legislation, concern is nevertheless expressed at the use of the terms "illegitimate child" or "natural child", especially with regard to the succession rights

of such children. Concern is also expressed at the alleged reports that expressions with racial connotations have been used by the State party's officials to refer to children belonging to immigrant families in an irregular situation.

24 **The Committee recommends that the State party continue reviewing its domestic legislation with a view to eliminating the use of the terms "illegitimate child" and "natural child". The Committee also recommends that the State party take effective measures to combat and prevent acts of racial discrimination against children belonging to immigrant families.**

Best interests of the child

25 While the Committee is aware that some measures have been adopted to incorporate the principle of best interests of the child, the Committee is of the opinion that these principles are not sufficiently taken into account, especially within the family, the school, in care institutions and in the justice system.

26 **The Committee recommends that the principle of the best interests of the child be included in all relevant legislation affecting children and taken into account in all administrative and judicial decisions, as well as in all policies and programmes related to children.**

4. Civil rights and freedoms

Participatory rights of children

27 With regard to children's participatory rights, concern is expressed about the insufficient measures taken by the State party, especially to promote the participation of children in the family, in the community, at schools and other social institutions, and to ensure the effective enjoyment of their fundamental freedoms.

28 **In light of articles 12-17 of the Convention, the Committee recommends that further measures be taken to promote the participation of children in the family, at school and other institutions, and the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression, and association. Public awareness of the participatory rights of children needs to be increased in families, communities, institutions and schools.**

Ill-treatment

29 While the Committee takes note that the use of corporal punishment in schools has been prohibited and that the draft Children Act includes a prohibition on physical punishment, it remains concerned that corporal punishment and "reasonable chastisement" in the home is not legally banned.

30 The Committee recommends that the State party take all effective measures, including legal ones, to include an explicit prohibition on the use of corporal punishment in the home; to

ensure that this prohibition is adequately monitored and enforced, both at home and in the schools, and to promote positive, non-violent forms of discipline as an alternative to corporal punishment in the home

5 Family environment and alternative care

Alternative care measures

31 Although the Committee notes that the draft Children Act includes reforms to strengthen the current procedures governing adoption and foster care, it expresses its concern about the lack of compatibility of the existing procedures for intercountry adoption with the principles and provisions of the Convention Concern is also expressed about children's long stay in residential care (children's institutions) and about the limited alternative care measures for children deprived of a family environment

32 **The Committee takes note that the State party is considering accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and encourages the State party in this regard. The Committee recommends that the State party bring its legislation on domestic and intercountry adoption into line with the principles and provisions of the Convention. Furthermore, the Committee recommends that the State party continue with its plans to develop and promote alternative care measures for children deprived of a family environment (e.g. adoption and foster care).**

Child abuse and neglect

33 While the Committee takes note of the measures taken to investigate and protect children from abuse, such as the establishment of a telephone helpline for children, it expresses its concern at the limited information available to determine the scope of child abuse; at the limited measures available for the rehabilitation of child victims of abuse; and at the insufficient awareness within society regarding the harmful consequences of ill-treatment and abuse, including sexual abuse of children, both within and outside the family.

34 **In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including the establishment of multi-disciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; that adequate child-friendly procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and investigative procedures to avoid their double victimization; and that perpetrators of such crimes should be brought to justice. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue.**

6 Basic health and welfare

35 Concern is expressed at the State party's low breastfeeding rate and at the high rate of child obesity.

36 **The Committee recommends that the State party take effective measures to increase and promote the use of breastfeeding practices and to continue and strengthen its special programmes to address the issue of child obesity and promote a healthy lifestyle among children.**

Children with disabilities

37 While the Committee is aware that the State party has established a National Policy on Special Education for children with disabilities, it expresses its concern about the fact that there is a considerable social stigma attached to this group of children and that this situation represents a barrier to their social integration. Concern is also expressed about the limitations faced by voluntary organizations in addressing in a comprehensive manner all the needs of children with disabilities.

38 **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), the Committee recommends that the State party implement alternative measures to the institutionalization of children with disabilities; envisage awareness-raising campaigns to eliminate discrimination against them; establish special education programmes and encourage the inclusion and social reintegration of disabled children in the educational system and into society; and establish adequate monitoring of private institutions for children with disabilities.**

Adolescent health

39 The Committee expresses its concern at the increasing rate of teenage pregnancy, at the insufficient access by teenagers to reproductive health education and counselling services, including outside school, and at the lack of a structured policy on health education. Concern is also expressed that insufficient attention has been given to issues of adolescents mental health, and alcohol consumption, and that there is a shortage of psychologists.

40 **The Committee recommends that the State party take effective measures to develop adolescent-friendly health policies and strengthen reproductive health education and counselling services. The Committee further recommends that the State party strengthen its programmes on adolescent mental health and continue developing effective educational campaigns to discourage alcohol consumption among children.**

7. Education, leisure and cultural activities

41 Although the Committee welcomes the State party's achievements in the field of education, it expresses its concern about issues of illiteracy and absenteeism and bullying in schools.

42 **The Committee recommends that the State party continue strengthening its educational programme with a view to improving its quality and relevance. The Committee further recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education. The Committee further recommends that the State party conduct continuous training programmes for teachers on human rights, including children's rights.**

8. Special protection measures

Refugee children

43 While the Committee takes note that a bill on a Refugees Act is currently being debated in Parliament, concern is expressed at the lack of domestic legislation for the protection of unaccompanied, asylum-seeking and refugee children and on family reunification of refugees, and at the limited access of refugee children to education, health services and housing.

44 **The Committee recommends that the State party enact legislation on asylum procedures and family reunification of refugees; continue undertaking effective measures to provide refugee children with access to education, health services and housing; and establish measures to assist refugee children who are victims of any form of neglect, exploitation or abuse.**

Economic exploitation

45 Although the Committee is aware that child labour is prohibited by law, it remains concerned at reports of under-age employment in family businesses and tourism-related activities during the summer holiday season.

46 **The Committee recommends that the State party fully enforce child labour laws and that labour inspectorates be strengthened and penalties imposed in cases of violation. The Committee encourages the State party to ratify the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182).**

Sexual exploitation and abuse

47 The Committee is concerned at the insufficient data and awareness of the phenomenon of commercial sexual exploitation of children in the State party, and at the absence of a comprehensive and integrated approach to preventing and combating this phenomenon.

48 **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake a national study on the nature and extent of commercial sexual exploitation of children with a view to designing policies and programmes, including for care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.**

Administration of juvenile justice

49 The Committee welcomes the establishment of a special rehabilitation programme for girls in conflict with the law (e g Fejda) and it is encouraged that a similar programme is being considered for boys. Nevertheless, concern is expressed at the low age of criminal responsibility (9 years), at the assumption, contained in the State party's legislation, that a child aged between 9 and 14 years could act with "mischievous intent", and at the exclusion of children aged between 16 and 18 years from the juvenile justice system

50 **In light of articles 37, 40 and 39 of the Convention and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party undertake legislative reform to raise the minimum age of criminal responsibility; to eliminate the assumption that a child aged between 9 and 14 years could act with "mischievous intent"; and to ensure that the juvenile justice system covers all children under the age of 18.**

9 Dissemination of the reports

51 **Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

SURINAME

1. The Committee considered the initial report of Suriname (CRC/C/28/Add.11), submitted on 13 February 1998, at its 635th to 636th meetings (see CRC/C/SR.635-636), held on 29 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q/SUR/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the dialogue it had with the State party and acknowledges that the presence of a delegation involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee notes the State party's efforts through the enactment of legislation to facilitate the implementation of the Convention. In particular, the Committee notes the enactment of new legislation in January 2000 which eliminates discrimination against children born out of wedlock, including with respect to their inheritance rights.

4. The Committee welcomes the establishment of the Steering Committee on Youth (1997) which is mandated to advise the Government on children's issues.

5. The Committee welcomes the National Youth Council which was installed in November 1999. It welcomes the efforts made to involve children at the local level through the hosting of youth congresses in all districts of the country as well as a national youth congress. The Committee also notes with appreciation the commitment of the State party to allocate adequate resources for the effective functioning of the National Youth Institute, the agency through which the National Youth Council operates.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee notes the challenges faced by the State party in implementing adequate programmes and services for children living in communities in the interior which are in many instances isolated and very difficult to reach. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration and the brain drain, also adversely affects the full implementation of the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

7. The Committee notes that the State party has undertaken a study to determine the consistency of its legislation with the Convention. While the Committee notes the recent efforts by the State party to enact legislation to ensure greater consistency with the Convention, it is concerned that legislation still does not fully reflect the principles and provisions of the Convention. Concern is expressed that the additional draft legislation to facilitate the implementation of the Convention has not yet been adopted by the National Assembly.

8. The Committee recommends that the State party take all appropriate measures to ensure that its laws conform to the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children. The State party is encouraged to take all appropriate

measures to adopt, at the earliest opportunity, the additional draft legislation. The Committee recommends that the State party seek technical assistance from OHCHR, among others.

Coordination

9. The Committee notes with concern that the State party has dissolved the National Commission on the Rights of the Child, established in 1995 to prepare the State party's report, to coordinate and monitor the implementation of the Convention, and to draw up a national plan of action for children. While it is noted that a Steering Committee on Youth has been appointed to advise the Government on issues concerning children, there are concerns that it does not have as wide a mandate as the National Commission had and that it lacks adequate financial and human resources to implement its mandate. The Committee is also concerned that there continues to be no effective mechanism to facilitate the coordination and systematic implementation of the Convention and to monitor the progress achieved in this regard.

10. The Committee recommends that the State party take all appropriate measures to strengthen coordination, including at the local level and with NGOs, and to monitor progress of the implementation of the Convention through the expansion of an existing governmental mechanism or the establishment of a new one with adequate powers, functions and resources. The Committee recommends that the State party strengthen the Steering Committee on Youth by, inter alia, allocating adequate financial and human resources.

Data collection

11. The Committees notes the initiatives undertaken by the State party in 1999 to improve data collection, including the implementation of a national women and children survey; the establishment of a Child Indicators Monitoring System coordinated by the Central Bureau for Statistics, which will periodically generate reliable data regarding children; and the announcement of a census in 2000 after 20 years. The Committee remains concerned, however, at the lack of an adequate data collection mechanism within the State party to permit the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

12. The Committee recommends that the State party intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in the interior of the country, especially those belonging to Amerindian and Maroon communities; children with disabilities; children living in poverty; children in conflict with the law; children of single-parent families; sexually abused children; and children living and/or working on the streets. In this context, the Committee recommends that the State party seek technical assistance from the United Nations Population Fund (UNFPA) and UNICEF, among others.

Independent monitoring structures

13. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. In this regard, the Committee expresses its regret that the National Institution for Human Rights was terminated and that the proposed Constitutional Court, which was supposed to replace it, was never established.

14. The Committee recommends that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awarenes-raising campaign to facilitate the effective use by children of this mechanism.

Allocation of budgetary resources

15. While it is noted that the State party supports the 20/20 Initiative which stipulates that 20 per cent of the national budget and international cooperation should be dedicated to children's programmes, the Committee is concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and district levels, in favour of children "to the maximum extent of ... available resources".

16. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to the implementation of the economic, social and cultural rights of children, to the maximum extent of available resources including, where needed, international cooperation. In allocating resources, the State party should pay particular attention to districts in the interior and seek to end the inequalities in service provision in these parts of the country.

Dissemination of the Convention

17. While the Committee notes the initiatives by the State party to promote awareness of the principles and provisions of the Convention, it is concerned that professional groups, children, parents, and the public at large are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

18. The Committee recommends greater efforts to make the provisions of the Convention widely known and understood by adults and children alike. In this regard, the Committee recommends adequate and systematic training and/or sensitization of professional groups working with and for children such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers and personnel of child-care institutions. The Committee recommends that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. The State party is encouraged to translate the Convention into local languages and to promote its principles through,

inter alia, the use of traditional methods of communication. In this regard, the Committee further suggests that the State party seek technical assistance from OHCHR and UNICEF, among others.

2. Definition of the child

Criminal responsibility

19. The Committee expresses concern regarding the low legal age of criminal responsibility (10 years).

20. The Committee recommends that the State party raise the legal age of criminal responsibility to a more internationally acceptable age by amending its legislation in this regard.

Legal minimum age for marriage

21. The Committee expresses concern at the low legal minimum age for marriage of girls - 15 years under the Civil Code and 13 years under the Asian Marriage Act. In this regard, the Committee notes with concern the practice of early and forced marriages which affects mostly girls, particularly those living in the interior. The Committee is also concerned about the low legal minimum age for marriage of boys (15 years) under the Asian Marriage Act. The Committee is further concerned about the disparity between the ages for boys and girls.

22. The Committee recommends that the State party review its legislation relating to the legal ages for marriage to bring them into conformity with the provisions of the Convention and to eliminate discrimination. It is recommended that the State party take all appropriate measures to raise awareness about the harmful effects of early and forced marriages, particularly on girls.

Legal age of compulsory education/legal minimum age for employment

23. The Committee notes that education is compulsory for children between the ages of 7 and 12 years and that the legal minimum age for employment is 14 years. The Committee is concerned that insufficient legal and other measures have been taken to protect adequately the rights of children between the ages of 12 and 14 years, who are beyond the age of compulsory education but too young to be legally employed.

24. The Committee recommends that the State party raise the legal maximum age of compulsory education from 12 to at least 14 years to protect the rights of those children between the ages of 12 and 14 years, who are beyond the age of compulsory education but too young to be legally employed.

3. General principles

Non-discrimination

25. The Committee notes with concern that the principle of non-discrimination is not adequately respected with regard to certain vulnerable groups of children, including children living in the interior, especially girls; children living in institutions; children with disabilities; children of single-parent families; children living in poor urban communities, especially boys; children in conflict with the law; children living and/or working on the streets; child victims of abuse; and children belonging to indigenous and minority groups. The Committee is particularly concerned about their limited access to adequate health, education and other social services.

26. The Committee recommends that the State party increase its efforts to ensure the implementation of laws, policies and programmes guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

Best interests of the child

27. The Committee is concerned that the general principle of the best interests of the child (art. 3) has not been taken fully into account in the State party's legislative, administrative and judicial decisions, as well as in policies and programmes relevant to children.

28. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

29. While the Committee notes that the views of children over 12 may be heard in cases of adoption and that a bill has been prepared to apply the same rule in cases of custody and visitation after divorce, it is concerned about the limited scope of the bill and that the full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which consider children who express their views and opinions as "impudent" and "impertinent".

30. The Committee recommends that the State party review and expand the scope of the bill providing for the opinion of children to be heard in custody and visitation rights cases; develop a systematic approach to increasing public awareness of the participatory rights of children; and encourage respect for the views of the child within the family, communities, schools, and in the care, administrative and judicial systems.

4. Civil rights and freedoms

Birth registration

31. While the Committee notes that the law provides for the registration of children at birth, it is concerned that children, particularly those belonging to communities in the interior of the country, are still not registered.

32. In light of articles 7 and 8 of the Convention, the Committee recommends that the State party take appropriate measures, including awareness-raising among government officers, community and religious leaders and parents themselves, to ensure that all children are registered at birth.

Police brutality

33. The Committee is concerned about the incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity.

34. The Committee recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee further recommends that greater efforts be made to prevent police brutality and ensure that child victims are provided with adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.

5. Family environment and alternative care

Protection of children deprived of a family environment

35. The Committee notes that the State party has submitted to the National Assembly a bill regulating all types of child-care facilities, but it remains concerned that the State party has not yet established and implemented a code of standards for alternative care institutions for children. The Committee also expresses concern regarding the lack of facilities and services for girls deprived of a family environment; the absence of an independent complaint mechanism for children in alternative care institutions; the inadequate review of their placement in institutions; and the lack of available trained personnel in this field.

36. The Committee recommends that the State party expedite as much as possible the passing of the bill mentioned in paragraph 30 above and establish a code of standards to ensure adequate care and protection of children deprived of a family environment. It further recommends that the State party provide additional training, including in children's rights, for social and welfare workers; ensure that placements in institutions are periodically reviewed; and establish an independent complaint mechanism for children in alternative care institutions.

Foster care

37. While the Committee notes that the State party has instituted a foster care programme, it is concerned at the insufficient monitoring and follow-up of placements in the programme and the widespread use of the programme as a "first step" in the intercountry adoption process rather than as a domestic fostering programme. Concern is also expressed at the unregulated nature of the practice of the "kweekjes system" which allows parents facing economic difficulties to give up their children to another family or person who may be in a better financial situation to care for the child.

38. The Committee recommends that the State party take measures to ensure the effective monitoring and follow-up of placements in the foster care programme; introduce programmes to raise awareness and promote foster care; and take measures to regulate the "kweekjes system" in order to ensure that the best interests of the children concerned are taken into account. Additionally, the Committee encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse/neglect/maltreatment/violence

39. While the Committee notes that the State party has appointed a committee to review legislation on sexual offences and make recommendations for improvements in this regard, it is concerned about the high and increasing incidence of sexual abuse of children, including within the family. The Committee also expresses concern at the lack of awareness and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated, as well as the lack of adequate programmes to prevent and combat all forms of abuse against children.

40. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) with a view to adopting adequate policy measures and changing traditional attitudes. The Committee recommends that all appropriate measures be taken to introduce mandatory reporting of abuse, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-friendly judicial procedure and sanctions imposed on perpetrators, including treatment, with due regard given to protecting the right to privacy of the child. Measures should also be taken for the physical and psychological recovery and social reintegration of victims in accordance with article 39 of the Convention, and to prevent the criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from UNICEF, among others.

Corporal punishment

41. While the Committee notes that corporal punishment is prohibited in schools, it is concerned that it continues to be used in schools, families and care institutions.

42. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and care institutions. The Committee encourages the State party to intensify its public-awareness campaigns to promote positive, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

6. Basic health and welfare

Right to health and access to health services

43. The Committee notes with concern the health situation of children, especially those living in the interior. In particular, it notes their limited access to basic health care; the insufficient number of trained medical personnel; the high incidence of malaria; high maternal, child and infant mortality rates, including suicides and accidents; inadequate breastfeeding and weaning practices; high rates of malnutrition; and poor sanitation and limited access to safe drinking water, especially in rural areas.

44. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, especially those living in the interior; facilitate greater access to primary health services; increase the number of trained medical and other health personnel; take steps to reduce the incidence of maternal, child and infant mortality; promote healthier breastfeeding and weaning practices; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; increase access to safe drinking water and sanitation; and reduce the incidence of malaria. It is recommended that the State party undertake a study on suicides and accidents involving children with the view to understanding their nature and scope and implementing appropriate preventative policies and measures. Additionally, the Committee encourages the State party to consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from UNICEF and WHO, among others.

Adolescent health

45. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including on accidents, violence, suicides, mental health, teenage pregnancy, abortion, HIV/AIDS and STDs.

46. The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services and in strengthening reproductive health education, including the promotion of contraceptive use by men. The Committee further suggests that a comprehensive multidisciplinary study be undertaken to improve understanding of the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party take further measures, including the allocation of adequate human and financial resources, to increase the number of social workers and psychologists and to develop youth-friendly care, counselling and rehabilitation facilities

for adolescents. The State party is encouraged to reinforce its efforts in implementing the Caribbean Regional Health and Family Life Education Programme for adolescents by, inter alia, allocating adequate financial and human resources. It is further recommended that the State party seek technical assistance from UNICEF and WHO, among others.

Children with disabilities

47. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. While the Committee notes the efforts of the National Advisory Board for the Policy on Persons with Disabilities, in collaboration with the Government, to elaborate relevant policy and legislation to guarantee and facilitate the social integration of persons with disabilities, it is concerned that insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and generally within society.

48. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), it is recommended that the State party reinforce its efforts to develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. Additionally, the Committee recommends that the State party undertake an awareness-raising campaign to sensitize the public about the rights and special needs of children with disabilities as well as children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

Right to an adequate standard of living

49. The Committee notes with concern the increasingly high number of children living in households below the poverty line. The Committee is also concerned about the poor housing situation and living standards of families who fled their homes in the interior during the civil unrest of the 1980s and are currently living in urban squatter communities. Concern is also expressed at the large and increasing number of children living and/or working on the streets.

50. In accordance with article 27 of the Convention, the Committee recommends that the State party increase its efforts to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. The Committee further recommends that the State party establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided with adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; and education, including vocational and life-skills training. The Committee recommends that the State party cooperate and coordinate its efforts with civil society in this regard.

7. Education, leisure and cultural activities

Right to and aims of education

51. The Committee notes the efforts of the State party within the school environment, including the establishment of a school nutrition programme, the introduction of school transportation in some regions of the country, the implementation of a programme that provides allowances for the rental of books and subsidies for school uniforms and other relevant learning materials for economically disadvantaged children; the establishment of a programme that allows teenage mothers to continue their education; and the decision to host a National Education Congress in December 2000. The Committee remains concerned, however, about the situation of education, particularly in the interior. In this regard, the Committee notes that there are still limited access to education, high drop-out and repetition rates, insufficient numbers of trained teachers actually in the classroom, insufficient schools and classrooms, and a general lack of relevant learning material. The Committee notes with concern that the budgetary allocations for education have been progressively reduced during the past decade. The insufficient efforts made by the State party to incorporate the use of local languages into the educational curriculum is also a matter of concern for the Committee.

52. The Committee recommends that the State party take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation of education and ensure that all children enjoy the right to education. It is further recommended that all appropriate measures be taken to increase access to education, especially as regards children living in the interior, and to encourage trained teachers to stay in teaching. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially girls in the interior and boys in urban communities, to stay in school, particularly during the period of compulsory education. The Committee encourages the State party to reinforce its efforts to include the use of traditional languages in the school curricula. The State party is encouraged to follow through with its proposal to host a National Education Congress to improve the overall situation of education in all regions of the country, and in this context, the Congress is strongly encouraged to include the general principles of the Convention, as well as articles 28, 29 and 31, in its discussions and recommendations to the State party. It is recommended that the State party encourage child participation within the school environment, including in disciplinary matters. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

8. Special protection measures

Economic exploitation

53. In light of the current economic situation, the increasing number of school drop-outs and the increasing number of children living and/or working on the streets, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation within the State party.

54. The Committee encourages the State party to introduce monitoring mechanisms to ensure that the labour laws are enforced and to protect children from economic exploitation, particularly in the informal sector. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee encourages the State party to consider ratifying the ILO Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182).

Drug abuse

55. The Committee is concerned with the high incidence of drug, alcohol and substance abuse among youth and the limited psychological, social and medical programmes and services available in this regard.

56. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing with child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from UNICEF, WHO and the United Nations International Narcotics Control Board, among others.

Sexual exploitation and sexual abuse

57. The Committee expresses its concern about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography, involving both boys and girls. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

58. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to understanding the scope of the problem and implementing appropriate policies and measures, including the physical and psychological recovery and social reintegration of victims. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

Administration of juvenile justice

59. The Committee expresses concern at:

(a) The inefficiency and ineffectiveness of the administration of juvenile justice system and in particular its incompatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of pre-trial detention;

(c) The holding of minors in adult detention facilities; the poor conditions in detention facilities; the lack of adequate facilities for children in conflict with the law, especially girls; the limited numbers of trained personnel to work with children in this regard; and the lack of a complaint mechanism for children whose rights have been violated.

60. The Committee, while noting the completion of a study on juvenile justice, recommends that the State party:

(a) Take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; improve the conditions in detention facilities; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice;

(d) Consider seeking technical assistance from OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice, among others.

9. Dissemination of reports

61. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child

DJIBOUTI

1. The Committee considered the report the initial report of Djibouti (CRC/C/8/Add.39), submitted on 28 July 1998, at its 637th and 638th meetings, on 30 May 2000, and adopted[1] the following concluding observations.

A. Introduction

2. The Committee notes that the structure of the State party's report follows the Committee's guidelines for the preparation of reports. The Committee regrets, however, that the information provided is general and gives no thorough description of relevant legislation, government policies and existing institutional structures, or of the actual enforcement of laws and problems encountered in that regard. There is a significant lack of statistical information, and no information provided about the preparation of the report. The Committee takes note of the additional information provided in the responses to the list of issues. The Committee appreciates the frank and constructive dialogue with the one-person delegation while regretting that the delegation could not cover all the areas addressed by the Convention.

[1] At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee notes the early ratification of the Convention by the State party, and takes note also of its recent ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

4. The Committee is encouraged by the adoption of several initiatives with regard to children, including the establishment of an inter-sectoral committee under the patronage of the Prime Minister to ensure follow-up to the World Summit for Children and to prepare the report, as well as the proclamation of 20 November as "National Day of the Child".

5. The Committee welcomes the recent amendment to the Penal Code which has, under the provisions of its article 333, set severe sanctions penalizing the practice of female genital mutilation.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the problems which have hampered the implementation of the Convention in the State party, in particular the regional conflicts which have led to a significant influx of refugees, the impact of the civil war which ended in 1994, and the continuing violence in the north of the country which has caused internal displacements.

7. The Committee notes that Djibouti has not ratified most of the international human rights treaties, which impedes the development of a human rights culture that would facilitate the implementation of the human rights of children.

8. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that the contradictions that can arise between a narrow interpretation of Islamic texts (and traditional law) and the provisions of civil law can sometimes impede the enjoyment of certain human rights protected under the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Declaration upon ratification

9. The Committee is concerned that the broad and imprecise nature of the general declaration made by the State party upon ratification of the Convention, which amounts to a reservation, potentially negates many of the Convention's provisions and raises concerns as to its compatibility with the object and purpose of the Convention. The Committee welcomes indications that the declaration may have been intended primarily to address only the issue of the right of the child to freedom of religion and that efforts will be made to review the situation.

10. **In the light of the Vienna Declaration and Programme of Action and bearing in mind the provisions of article 27 of the Vienna Convention on the Law of Treaties, the Committee encourages the State party to review the general nature of its declaration to the Convention on the Rights of the Child with a view to its withdrawal.**

Ratification of international human rights instruments

11. While acknowledging the State party's ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee is of the opinion that the ratification of other human rights instruments, and in particular of the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

12. **The Committee encourages the State party to consider the possibility of ratifying the other major international human rights instruments.**

Legislation

13. The Committee is concerned that no systematic review of existing legislation has been undertaken to ensure its compatibility and full conformity with the principles and provisions of the Convention. It is also concerned about the difficulties experienced in finalizing the adoption of new or amended legislation, including the draft Family Code that was prepared before the ratification of the Convention.

14. **The Committee recommends that the State party take all appropriate measures to complete the process of law review and, where appropriate, adopt or amend legislation so as to ensure the harmonization of applicable provisions of the different jurisdictions (traditional, Islamic and civil law) and their conformity with the provisions and principles of the Convention.**

Coordination/independent monitoring mechanism/structures

15. Taking note of the limited functions assumed by the inter-sectoral committee, the Committee is concerned that no particular governmental coordination or monitoring mechanisms appear to have been set up to ensure the implementation of the provisions of the Convention.

16. **The Committee recommends that steps be taken by the State party to establish a mechanism to coordinate the various government bodies involved in children's rights at both the national and local levels and that greater efforts be made to ensure cooperation with non-governmental organizations working in the field of children's rights. While acknowledging that budgetary constraints may make it difficult to set up complex**

structures, the Committee encourages the State party to consider the possibility of setting up an independent mechanism to monitor progress made in the implementation of the Convention, including, for example, the establishment of a telephone hotline to encourage children to voice their complaints.

Data collection

17. The Committee is concerned that data collection in the State party is insufficient to allow the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

18. **The Committee recommends that measures be taken to establish a system to collect statistical and other data in all areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on the most vulnerable groups, including girls, children with disabilities, child labourers, children from nomadic groups living in rural areas, children living and/or working in the streets, children living in institutions and refugee children. Technical assistance in this area from UNICEF, among others, is encouraged.**

Budgetary allocations

19. Recognizing that effective implementation of the Convention depends upon the consistent allocation of adequate budgetary resources, the Committee expresses its concern at the lack of information on the current allocation of resources in favour of children, particularly in a context of widespread poverty.

20. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The Committee urges the State party to establish a policy on the allocation of resources in favour of children, including resources allocated by international agencies or bilateral assistance, and to determine how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.**

International cooperation

21. Deeply concerned by the overall situation of children's rights in the State party, the Committee takes note of the resource limitations faced by the State party which constrain its ability to address such a wide array of problems.

22. **The Committee strongly recommends that the State party seek international assistance for the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.**

Dissemination and awareness-raising

23. The Committee acknowledges the efforts of the State party to promote awareness of the principles and provisions of the Convention and takes note of the cooperation between UNICEF and the National Centre for Research and Pedagogical Information in this regard. However, the Committee remains concerned that the text of the Convention has not yet been translated into all national languages, and that professionals working with and for children, parents and the public at large are generally not aware of the Convention and of the human rights it enshrines.

24. **The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the Convention among children and parents, civil society and all sectors and levels of government, including through the use of traditional information channels and working through community leaders. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives targeting the most vulnerable groups. Moreover, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of traditional and religious leaders as well as professional groups, including those working with and for children (e.g. judges, lawyers, law enforcement officials, parliamentarians, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF, among others.**

2. Definition of the child

25. The Committee notes that the new draft Family Code will set the legal minimum age for marriage at 18 for both boys and girls. It is concerned that current traditional practice considers 15 years as a suitable age for marriage for girls, while it is 18 for boys, and that the marriage age for girls is too low and is a form of gender discrimination not acceptable under the provisions of article 2 of the Convention.

26. **The Committee recommends that the State party continue its efforts to increase the legal minimum age for marriage and eliminate discrimination against girls in this regard, and that it consider the need for effective public information and sensitization activities to discourage early marriage.**

3. General principles

Non-discrimination

27. The Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution of Djibouti as well as in domestic legislation and acknowledges efforts made to promote education for girls. It is still concerned that insufficient measures have been adopted to ensure that all children are treated equally and are guaranteed equal access to education, health and other social services. In this regard, it is extremely concerned about the persistent discriminatory attitudes faced by girls; it is also concerned about the discrimination faced by

refugee and asylum-seeking children and about the impact of ethnic discrimination. The Committee is also concerned about the discrimination that appears to be experienced by children born out of wedlock, children with disabilities, children living and/or working on the streets, and children living in rural areas.

28. **The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to affect all vulnerable groups, particularly girls, refugee children and those from different ethnic groups. The Committee also urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia by reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.**

Respect for the views of the child

29. The Committee is seriously concerned about the lack of information regarding the implementation in practice of the right of the child to express his or her views and to have them taken into account. It emphasizes the importance of promoting respect for the views of the child and encouraging children's participation.

30. **The Committee encourages the State party to promote public awareness of the participatory rights of children and urges that effective measures be adopted to promote respect for the views of the child within schools, families, social institutions and in the care and judicial systems, in accordance with the provisions of article 12 of the Convention.**

4. Civil rights and freedoms

Birth registration

31. The Committee is concerned that the insufficiently systematic birth registration in the State party prevents an accurate statement of the identity or age of a child, which can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. It is concerned in particular about the difficulties experienced in registering the birth of refugee children outside of the refugee camps and about the limited type of birth registration available in the camps.

32. **In light of articles 1 and 7 of the Convention, the Committee recommends that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory, and encourages the State party to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to adopt national legislation that is in conformity with these international instruments. The Committee further urges the State party to proceed with the registration of those children who have not been registered.**

5. Family environment and alternative care

Family environment

33. The Committee is concerned about the impact of gender discrimination on the sharing of parental responsibility by both parents and on the quality of the family environment, as well as about the impact on children of the continuing practice of polygamy. It is also concerned about the lack of detailed information regarding cases of children separated from their parents against their will when necessary for the best interests of the child and respecting the legal guarantees set by the provisions of article 9 of the Convention.

34. **The Committee encourages the State party to review its legislation, programmes and policies so as to promote the equal sharing of parental responsibility, discourage the practice of polygamy, and ensure adequate protection of children from abuse and neglect even when it may involve the need to separate children from their parents against their will.**

Alternative care

35. With respect to the situation of children deprived of a family environment, the Committee expresses its concern about the insufficient number of alternative care facilities and the limited capacity of existing institutions. Concern is also expressed about the fact that refugee children may be denied access to such facilities.

36. **The Committee recommends that the State party make every effort to provide special protection and assistance for children deprived of a family environment, in accordance with the provisions of article 20 of the Convention, including through the development of a foster care system as well as by providing additional places in existing institutions. It further recommends that an appropriate inspection mechanism be established to monitor the placement of children in institutions or in alternative care. The Committee also recommends that the State party increase its efforts to provide support for families and single parents, to discourage the abandonment of children.**

Adoption

37. Taking note of the detailed legal procedures required for adoption under civil law, the Committee remains concerned about the lack of detailed information concerning the procedures and safeguards provided for international adoptions, in particular of very young children abandoned by their parents.

38. **The Committee recommends that every effort be made to ensure that international adoptions are in full conformity with the provisions of article 21 of the Convention. It encourages the State party to consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect to Intercountry Adoption.**

6. Basic health and welfare

Children with disabilities

39. The Committee expresses concern regarding the lack of legal protection, programmes, facilities and services for children with disabilities aimed at facilitating their development and full integration in society.

40. **In light of article 23 of the Convention, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted as its day of General Discussion on the rights of children with disabilities (CRC/C/69), the Committee recommends that the State party establish special education programmes for children with disabilities and actively seek their inclusion in society. The Committee further recommends that the State party conduct an assessment of the number of children with disabilities, the type of disabilities, and the needs of children with disabilities with regard to rehabilitative and other forms of care. The Committee encourages the State party to seek technical assistance, including for the training of professional staff working with and for children with disabilities, from UNICEF and WHO, among others.**

Right to health

41. While welcoming the adoption of a national plan of action and the State party's commitment to adopt the Integrated Management of Childhood Illnesses (IMCI) strategy, the Committee is concerned at the poor health status of children in Djibouti. It is particularly concerned at the persistently high rates of infant and under-five mortality, maternal mortality, child malnutrition and smoking, and at the insufficient data collection with regard to child health. While welcoming the adoption of "baby-friendly" hospital initiatives, the Committee is also concerned about the risk of mother-to-child transmission of HIV, given the high rates of HIV infection. The Committee regrets the decline in spending on the health sector and the reduction in vaccination coverage.

42. **The Committee encourages the State party to increase its efforts in the health sector, including through the strengthening of data collection and disease surveillance mechanisms, the allocation of adequate resources and the reinforcement of training and support for health sector staff. It recommends that the State party ensure equitable access to existing health care services, that it make every effort to increase vaccination coverage, including by ensuring the maintenance of a cold chain, and that it undertake effective collection and recording of data in this respect. The Committee recommends that effective measures be taken to provide information and support to HIV-infected mothers to prevent HIV transmission, in particular by providing safe alternatives to breastfeeding. The Committee recommends that the State party address the social factors preventing vulnerable groups (including women and children) from seeking health care, and that particular efforts be made to reach refugee and displaced children and those living on the streets. The Committee urges the State party to develop effective partnerships with NGOs and civil society groups, and to seek the technical assistance of United Nations agencies such as WHO and UNICEF in this respect.**

Female genital mutilation

43. While welcoming the recognition by the State party of the importance of this problem, and the prohibition of the practice in the new Penal Code, the Committee expresses its concern about the widespread practice of female genital mutilation. It acknowledges the efforts made to complement legal reform with activities to raise awareness and sensitize health professionals and the effort made to involve traditional leaders in the effort to change traditional attitudes.

44. **The Committee urges the State party to continue to take effective measures to eradicate this practice, and encourages it to benefit from the experience of other States that have addressed similar issues. The Committee recommends that the adoption of legal and judicial provisions in this area be accompanied by further efforts to engage the community in the process of changing cultural attitudes, including by assisting traditional practitioners to seek alternative employment, and if necessary by ensuring the enforcement of the legal sanctions contemplated by article 333 of the new Penal Code in order to set an example.**

Adolescent health

45. The Committee is concerned about the exposure of older children in the State party, particularly those living on the street or working in port areas and along truck routes, to sexual exploitation and to sexually transmitted diseases, including the risk of HIV infection. The Committee is also concerned that girls married at a young age may not have sufficient access to family planning services and counselling.

46. **The Committee urges the State party to address the sexual and reproductive health-care needs of older children, including those married at a young age and those in vulnerable situations. It recommends that the State party provide access to information about sexual and reproductive health, and that services in this area be user friendly and address the concerns and need for confidentiality of adolescents. The Committee recommends that the State party seek technical assistance from WHO and UNICEF, among others, to develop a comprehensive strategy that can address the needs of young people, and that it encourage civil society and adolescents to participate in the design, implementation and evaluation of such a strategy.**

7. Education, leisure and cultural activities

47. The Committee welcomes the recent efforts of the State party to improve the situation of education in terms of elaborating and carrying out educational programmes, and takes note of efforts made to seek international assistance in this area. However, the Committee remains seriously concerned about the low rates of school enrolment and attendance and the high drop-out and illiteracy rates, as well as about the extent of gender disparities in this respect. It is also concerned about the limited number of trained teachers and school facilities, and further concerned by information indicating that refugee children are denied access to education outside of refugee camps.

48. **The Committee recommends that the State party continue its efforts to promote and facilitate school attendance, particularly among girls and refugee children. In light of**

article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available to all, to improve the quality of teaching and to reduce drop-out rates. The Committee encourages the State party to seek to strengthen its educational system, if necessary by seeking further international assistance, from UNICEF and UNESCO, among others.

8. Special protection measures

Refugee and asylum-seeking children

49. While acknowledging the challenges faced by the State party as a result of the regional conflicts which repeatedly lead to the arrival of a disproportionate number of asylum-seekers, the Committee is concerned about the problems experienced by refugee children. It is concerned about the absence of national legislation defining the legal basis for asylum or for granting stateless status. It is also concerned about the resulting absence of an appropriate legal framework for the protection of accompanied and unaccompanied child refugees and asylum-seekers, and about the lack of health and education services for all refugee children, including those living outside the refugee camps.

50. **The Committee urges the State party to make every effort to implement the rights of refugee children, in accordance with article 22 of the Convention and of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party adopt national legislation for the determination of refugee status, making suitable provision for the special procedures required for child refugees. In light of the provisions of articles 2, 10, 24 and 28 of the Convention, the Committee further recommends that the State party develop an appropriate legislative and administrative framework to facilitate family reunification and adequate access to all social services and to schools for refugee children outside the camps.**

Children in armed conflict

51. The Committee welcomes the adoption in Paris on 7 February 2000 of an agreement to end the violence in the north of the country. The Committee is concerned that insufficient efforts have been made to introduce adequate programmes to facilitate the rehabilitation of children affected by armed conflict during the civil war and subsequent violence.

52. **The Committee recommends that every effort be made to conclude negotiations and obtain international assistance allowing the launching of activities to demine areas affected by the conflict. It further recommends that the State party take all appropriate measures to introduce programmes to facilitate the physical and psychological recovery and social reintegration of children affected by armed conflict.**

Child labour

53. The Committee is concerned about the apparent increase in the number of children involved in economic activities in the family context as well as on the streets.

54. **The Committee urges the State party to make urgent efforts to monitor and address the use of child labour. It recommends that the State party improve its monitoring mechanisms in order to enforce existing labour laws and protect children from economic exploitation. The Committee encourages the State party to ratify the Worst Forms of Child Labour Convention (No. 182) and the Minimum Age for Admission to Employment Convention (No. 158) and to seek international cooperation, including through the International Programme for the Elimination of Child Labour (IPEC) of the ILO.**

Drug and substance abuse

55. The Committee is concerned about the high and increasing involvement of children in the production, trafficking and consumption of psychotropic drugs (and especially of khat), and about the impact on children of widespread khat consumption in the State party which affects families and the entire society.

56. **In view of articles 33 and 39 of the Convention, the Committee urges the State party to take all appropriate measures to prevent the involvement of children in the production, trafficking and consumption of khat and other psychotropic drugs as well as to provide care and rehabilitation, and to pay particular attention in this regard to vulnerable groups, including children who drop out of school, live on the streets, or work in the port area. The Committee encourages the State party to seek technical assistance from UNICEF and WHO, among others, and to involve children in the design, implementation and evaluation of relevant strategies, and to continue its cooperation with the United Nations Drug Control Programme in this regard.**

Sexual exploitation

57. The Committee is concerned about the high and apparently increasing incidence of prostitution involving children, in particular girls, and about the lack of facilities to provide services to sexually exploited children.

58. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including to promote the physical and psychological recovery and social reintegration of child victims of sexual exploitation, and to preventing and combating the sexual exploitation of children while avoiding the criminalization of child victims. In this regard, the Committee encourages the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.**

Juvenile justice

59. The Committee welcomes the recent release of a number of children who had been detained in the Gabode prison while expressing its concern about the lack of support and assistance which may be faced by those children. The Committee remains concerned about the treatment of children alleged to be in conflict with law and about the lack of available data on the

number and situation of children in detention, on the types of offences committed, length of sentences imposed, availability of diversionary and alternative measures, etc. The Committee remains concerned about conditions in places of detention for children, especially with regard to overcrowding and the quality of the health services and educational programmes offered, and in particular about the availability of services to facilitate the detained child's reintegration in society, in accordance with the provisions of article 40 (1) of the Convention.

60. **The Committee recommends that every effort be made to gather information on the number and legal situation of children in detention within the State party and urges the State party to enforce domestic legislation requiring that imprisonment be a measure of last resort, and that children be kept separate from adult detainees. The Committee further recommends that the State party:**

(a) Take additional steps to ensure that the juvenile justice system is in full conformity, de facto, as well as de jure, with the provisions of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider seeking technical assistance in this regard from, among others, the member organizations of the Coordination Panel on Technical Advice in Juvenile Justice, including the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.

9. Dissemination of the reports

61. **Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Finland

1. The Committee considered the second periodic report of Finland (CRC/C/70/Add.3), submitted on 18 November 1998, in its 643rd and 644th meetings (see CRC/C/SR.643 and 644), held on 19 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report, the additional information provided and the written answers to the list of issues (CRC/C/Q/FIN/2) submitted by the State party. The Committee notes with appreciation the constructive efforts made by the delegation to provide additional information in the course of the dialogue.

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* At the 669th meeting, held on 6 October 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee commends the State party for its overall progress in implementing the Convention on the Rights of the Child and reiterates its satisfaction at the comprehensive social security system and the wide range of welfare services for the benefit of children and their parents, in particular free health care, free education, extended maternity leave, parental leave for both the mother and father, and an extensive day-care system (see CRC/C/15/Add.53, para. 3). It also welcomes the efforts of the State party to reduce the impact on children of the economic recession of the first half of the 1990s and the fact that the basis for determining the welfare of children has been maintained.

4. The Committee welcomes the recent adoption of new laws, as well amendments to domestic legislation to bring it into conformity with the principles and provisions of the Convention. It takes note in particular of the government law on criminalization of the purchase of sexual services from minors and possession of child pornographic material, and the amendment to the Penal Code regarding sex tourism which criminalizes offences of sexual abuse committed abroad by Finnish citizens, as recommended in the Committee's previous concluding observations (see CRC/C/15/Add.53, para. 29); the revised Alien's Code of 1999 which aims at facilitating family reunification; and the law promoting the integration of immigrants into society and establishing procedures for receiving asylum-seekers. The Committee also welcomes the fact that the Ministry of Social Affairs and Health has prepared a national programme to prevent the commercial sexual exploitation of children.

5. The Committee welcomes the establishment in 1998 of an Assistant Parliamentary Ombudsperson on child issues with the task of supervising the implementation of the rights of children within the country.

6. The Committee notes with appreciation that in 1997 the Government issued policy guidelines for promoting tolerance and combating racism. It also takes note of the activities promoting the health and welfare of ethnic minorities within the Government's national programme for the organization of social welfare and health care services for 1998-2001, that immigrant children enjoy equal access to education and that measures have been taken to facilitate teaching in the immigrants' own languages.

7. The Committee welcomes the national equalization system for child welfare, which improves children's access to appropriate services when needed, irrespective of the economic situation of the municipality. It also notes with appreciation that the Association of Finnish Local and Regional Authorities adopted in January 2000 a programme on child policy with the aim of promoting the implementation of the Convention on the Rights of the Child in the municipalities. In addition, it takes note with satisfaction of the action programme for social welfare and health, which takes into consideration, inter alia, the issue of mental problems affecting children and young people.

8. The Committee commends Finland for being one of the first countries to ratify ILO Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and that it is one of the major donors to the ILO International Programme for the Elimination of Child Labour (IPEC).

9. The Committee welcomes Finland's signature of the two Optional Protocols to the Convention on the Rights of the Child on 7 September 2000 during the Millennium Summit Treaty Event held at United Nations Headquarters and takes note of the fact that the State party is taking measures in order to ratify the Optimal Protocols in the spring of 2001.

C. Factors and difficulties impeding further progress

10. The delegation of responsibilities to local and regional authorities may enhance the involvement of local communities but, at the same time, it seems to hamper the full and equal implementation of the principles and provisions of the Convention owing to local and regional differences in its interpretation, its application and budgetary allocations.

D. Principal subjects of concern

1. General measures of implementation

Coordination

11. The Committee remains concerned at the absence of a focal point for children within the Government and of mechanisms, both at the central and local levels, for coordinating visionary policies relating to children and for monitoring the implementation of the Convention (see CRC/C/15/Add.53, para. 11).

12. The Committee encourages the State party to consider taking further steps to establish a focal point for children within the Government and coordination mechanisms between the various ministries, as well as between central and local authorities, in order to establish a better coordinated policy and action for the realization of children's rights.

Implementation at local level

13. The Committee notes that, owing to the extensive decentralization of decision-making, administration and delivery of services in the State party, there is a significant delegation of powers from the central level to the municipalities. However, not all the municipalities provide the same level of social policies and services for the most vulnerable groups in society, in particular poor families, single-parent families, and disabled, refugee and minority children.

14. The Committee recommends that the State party undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and that every effort be made to ensure that the Convention is effectively implemented at municipal level. It also reiterates its recommendation to establish an integrated monitoring system or mechanism to ensure that children in all municipalities benefit to the same extent from basic social services (see CRC/C/15/Add.53, para. 23).

Budgetary allocations

15. The Committee is concerned that the extent and standard of welfare services provided by local authorities to low-income families or families with children with disabilities is unequal in

the various municipalities across the country, partly as a result of significant differences in the financial resources available to the municipal authorities, in the priorities set by those authorities and in the systems used to assess needs and grant assistance. These disparities have the effect of providing either unequal access to or different levels of welfare assistance to children, particularly those with disabilities, depending on where in the country they reside.

16. The Committee urges the State party to consider ways to guarantee all children equal access to the same standard of services, irrespective of where they live, for example by establishing nationwide minimum standards and allocations of resources for the implementation of the Convention's provisions, in particular in the areas of health, education and other social welfare services, and in conformity with article 2.

Data collection

17. While acknowledging new initiatives in the compilation of statistics, such as the 1998 report on child statistics in Finland and a special report in 2000 on the living conditions of children which in an innovative way examines Finnish society from the child's point of view, the Committee notes that a regular and large-scale collection and analysis of data and indicators on children's issues needs to be further developed in order to assess the extent to which the Convention has been implemented, in particular at the local level.

18. The Committee recommends that the State party continue developing a comprehensive system of data collection consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse or ill-treatment; children with disabilities; children from low-income families; children in conflict with the law; and immigrant and minority children. It further encourages the State party to use indicators and data in the formulation of policies and programmes for the effective implementation and monitoring of the Convention.

Ombudsperson

19. Although an Assistant Parliamentary Ombudsman has been appointed to supervise the implementation of children's rights, the Committee takes note that discussions on the establishment of a national ombudsperson continue and that the State party shall make final decisions in that regard based on the experience with the Assistant Parliamentary Ombudsman.

20. The Committee invites the State party to seriously consider the establishment of an independent national ombudsperson for children, taking into account the positive experiences in other Nordic countries, and not to let purely financial considerations determine the decision.

Dissemination of the principles and provisions of the Convention

21. While noting the efforts of the State party in disseminating information about the Convention, including the publication in the Sami language of the text of the Convention, the Committee expresses its concern that the principles and provisions of the Convention are not

disseminated at all levels of society. In addition, the Committee notes that the training and retraining of professionals working with and for children is not systematic.

22. The Committee recommends that the State party develop more creative methods to promote the Convention, including through visual aids such as picture books and posters, and that it incorporate the Convention in the school curriculum. It further encourages the State party to consider translating the Convention into the Roma language and into other minority languages and making the Convention available in the languages of the main immigrant groups. The Committee also recommends further systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel, with a particular focus on municipal board members and authorities.

2. General principles

General principles

23. The Committee notes that the State party has made efforts to include the principles of the best interests of the child and the right of the child to be heard in recent revisions to leglislation, such as the Act on the status and rights of persons using social welfare services.

24. The Committee invites the State party to continue to take all necessary measures to better reflect in its legislation and its policies the general principles of the Convention, in particular non-discrimination (art. 2), the best interests of the child (art. 3), the right to development (art. 6) and respect for the views of the child (art. 12).

Best interests of the child

25. While acknowledging the State party's significant efforts to respect the principle of best interests of the child, the Committee is concerned that municipal authorities in particular do not always take this principle into full consideration and, further, that the best interests of unaccompanied child asylum-seekers and refugees are not always a primary consideration.

26. In light of article 3 of the Convention, the Committee recommends that the State party consider the full implications of the principle of best interests in the context of the above situations and that further efforts be made to ensure that this principle is a primary consideration in all decisions affecting children.

Right to development

27. With regard to article 6 of the Convention, the Committee notes that in the State party's report there is no explicit reference to the State party's implementation of the right to development.

28. The Committee encourages the State party to review its plans of action, strategies, policies and programmes from the perspective of the right of each child to physical, mental, spiritual, moral, psychological and social development.

The right of the child to be heard

29. The Committee expresses its concern that the views of children, in particular those below 12 years of age, are not always taken into full consideration, especially in child custody cases and access disputes taken to court.

30. The Committee recommends that the State party make sure that the views of children under 12 years of age who are affected by a judicial proceeding are always heard, if they are considered to be mature enough, and that this takes place in a child-friendly environment. It also recommends that the State party undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making and court decisions, programme implementation and on children themselves.

3. Civil rights and freedoms

Child participation

31. While acknowledging the participation of students at the upper secondary level, the Committee is concerned that not enough attention is paid to the participation of children in, inter alia, education at the primary and lower secondary level.

32. Noting the activities of the Government related to the participatory rights of children in education at those levels, the Committee encourages the State party to take effective measures to enhance children's participation in, inter alia, educational activities concerning them.

4. Family environment and alternative care

Separation from parents

33. The Committee expresses serious concern about the considerable decrease in the net income of families with children caused by both high unemployment rates and budgetary measures that negatively affect child-related allowances.

34. The Committee, taking into account recent improvements in the economy of the State party, strongly recommends that the State party allocate more funds to families with children and develop effective measures to provide those families with appropriate support in order to avoid, among other things, the placement of children in foster care or institutions.

35. The Committee notes with concern the increasing number of children placed outside their families in recent years.

36. The Committee recommends that the State party take all necessary measures to ensure that children are placed outside their family only when it is evidently in the best interests of the children and for the shortest period possible.

Family reunification

37. While noting the Act on the Integration of Immigrants and Reception of Asylum-seekers of 1999 which introduces some reforms in the way unaccompanied children seeking asylum are received, the Committee is concerned at the fact that the process of family reunification is still very long and that this could have a negative impact on the children involved.

38. The Committee encourages the State party to examine the reasons for the delays in the procedures for processing asylum applications and for the settlement of children, with a view to shortening them.

Abuse and neglect

39. Although the State party was the second State in the world to prohibit all corporal punishment of children in the family in its Child Custody and Rights of Access Act of 1983, the Committee is concerned at the number of cases of violence against children, including sexual abuse in their homes. It also regrets the lack of information on this phenomenon.

40. The Committee recommends that the State party consider taking additional measures to prevent and, where this has not been possible, to identify in a timely manner instances of violence against children within families, to intervene at an early stage, and to develop child-friendly programmes and services for prevention, treatment and rehabilitation with personnel specially trained to work with children.

5. Basic health and welfare

Children with chronic illnesses

41. The Committee notes with concern that families with chronically ill children do not always have enough support, both at the personnel and the financial level.

42. Recognizing the State party's efforts to ensure the rights of children with disabilities, the Committee recommends that the State party continue its efforts to provide equal support and assistance to all families with chronically ill children including the help of specialized staff.

Children in hospital

43. The Committee is concerned at the fact that a number of children's wards have been closed or are threatened with closure because of cost-saving measures and that children are cared for in adult wards, sometimes even in the same room as adults.

44. The Committee, noting the recent appeal to the regional authorities to monitor the situation, recommends that the State party take effective measures to ensure appropriate care for children in hospitals in compliance with the Charter for Children in Hospital of the European Association for Children in Hospital (EACH).

Mental health services

45. The Committee, while acknowledging the additional funds allocated in order to provide government support to psychiatric services, in particular child and youth psychiatry, reiterates its concern that mentally ill children are institutionalized in the same facilities as adults (see CRC/C/15/Add.53, para. 16). Further, it joins the State party in expressing concern at the long waiting list for and delayed access to mental health services and professionals for children because of an insufficient number of psychologists and psychiatrists.

46. The Committee encourages the State party to address the shortage of child psychiatrists and psychologists, in particular in the northern and eastern parts of Finland and in small municipalities with fewer resources, in order to provide children with more timely access to mental health services and to prevent the institutionalization of mentally ill children with adults.

Child care services and facilities

47. The Committee notes with appreciation that municipalities provide the services of mother and child welfare clinics but is concerned at the differences between municipalities in the organization of and provision of resources to these clinics.

48. The Committee recommends that the State party ensure that children in all municipalities benefit to the same extent from the services provided by the mother and child clinics.

6. Education, leisure and cultural activities

Right to education

49. The Committee joins the State party in expressing concern at the lay-off of teachers in some municipalities due to economic factors, which may have an adverse effect on teaching and on the quality of education.

50. The Committee recommends that the State party implement the revised school legislation in order to ensure equality between the different regions of the country and between the various schools and educational establishments.

7. Special protection measures

Unaccompanied, asylum-seeking and refugee children

51. The Committee is concerned that unaccompanied minors applying for asylum are interviewed in the same way as adults. Further, while noting with appreciation the establishment of a system of representation for unaccompanied minors applying for asylum, it expresses its concern that not enough efforts have been undertaken to ensure adequate resources and training

for the representatives of unaccompanied minors applying for asylum. It also appears that education for refugee children in their language is available only in those municipalities which can provide sufficient resources.

52. The Committee recommends that the State party ensure adequate resources for the training of the officials who receive refugee children, in particular in child-interviewing techniques, and of the representatives of unaccompanied minors applying for asylum. It also encourages the State party to consider measures through which asylum-seeking and refugee children can be granted equal access to the same standard of services, in particular education, irrespective of who they are and where they live.

53. The Committee notes with concern the number of asylum-seeking and refugee children coming from areas affected by war and who may have been victims of traumatic experiences.

54. The Committee recommends that the State party ensure that every effort is made to identify children who require special support upon their arrival in the State party, as well as consider providing adequate psychological assistance to them and their parents.

Substance abuse

55. The Committee is concerned by the reported increase in the use of drugs, in particular heavy drugs, as well as abuse of alcohol and tobacco among adolescents in the State party. Further, it notes that the present child welfare service system is unable to deal with the growing need for services.

56. The Committee notes with appreciation the Decision-in-Principle on Drug Policy of 1999 and encourages the State party to empower positive cultural changes and to pursue its awareness-raising and preventive measures, including drug education in schools. It further recommends that the State party allocate more resources to the child welfare service system for treatment therapies and rehabilitation services specifically tailored for children.

Sexual exploitation

57. While appreciating the review of legislation and other measures undertaken by the State party to improve the protection of children from sexual exploitation, in line with the recommendation of the Committee (see CRC/C/15/Add.53, paras. 19 and 29), the Committee notes with deep concern the phenomenon of Finnish child sex tourists travelling to the nearby countries of the former Soviet Union seeking child prostitutes.

58. The Committee urges the State party to undertake adequate measures to combat this phenomenon and to pursue international cooperation for the investigation and the prosecution of cases of sexual abuse and exploitation of children by Finnish citizens abroad.

Children belonging to a minority or an indigenous group

59. The Committee reiterates its concern at the high rates of school drop-outs among Roma children (see CRC/C/15/Add.53, para. 18).

60. The Committee notes the measures undertaken by the State party to develop special education and prevent social exclusion, such as strengthening the status of the Roma language in school teaching, developing teaching material in the Roma language and training teachers, and recommends they be implemented. It requests the State party to continue its efforts in this area and to provide information on the impact of these measures on Roma children in the next periodic report to the Committee

Dissemination of the State party report

61. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report, the list of issues raised by the Committee and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Burundi

1. The Committee considered the initial report of Burundi (CRC/C/3/Add.58) at its 645th to 646th meetings (see CRC/C/SR.645 and 646), held on 20 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/BUR/1). The Committee notes the constructive dialogue it had with the delegation of the State party.

B. Positive aspects

3. The Committee notes the State party's efforts to introduce "education for peace" and "let us build peace" projects into national school curricula and teacher training. The Committee notes also the State party's efforts to provide unaccompanied children with adequate assistance and to help them trace their families.

4. The Committee notes with satisfaction the State party's ratification of ILO Convention No. 138 concerning the minimum age for the admission to employment and the African Charter on the Rights and Welfare of the Child.

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* At the 669th meeting, held on 6 October 2000.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that peace negotiations have failed many times in the past and expresses the hope that current efforts will be successful. The Committee is aware that successful negotiations will need some time to take effect and that the armed conflict, with its many repercussions on respect for children's rights, will continue to cause serious human rights violations in the State party.

6. The Committee notes that, since it ratified the Convention, there has been a serious deterioration in the socio-economic conditions in the State party, aggravated by the armed conflict.

7. The Committee notes also the regional sanctions imposed on the State party until 1999 and the negative impact of the sanctions on the situation of children in the State party.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

Legislation

8. The Committee notes the efforts being made by the State party to bring domestic legislation into conformity with the Convention including through new legislation on adoption, children in difficult circumstances and the rights of delinquent children to be considered by the National Assembly at its present session. The Committee remains concerned, however, that plans to adopt a single legal instrument gathering together all provisions relating to the rights and duties of children have not been completed, that not all elements of domestic legislation are in conformity with the provisions of the Convention, and that customary law and traditional practices involving, inter alia, inheritance violate the rights of children, and of girls in particular.

9. The Committee encourages the State party to continue its efforts in the area of law reform with a view to ensuring full conformity with the principles and provisions of the Convention, to pursue early adoption of the code of laws on the rights and duties of children, and to ensure that customary law and traditional practices fully respect the provisions of the Convention. The Committee further recommends that the State party make additional efforts to ensure that legislation is implemented.

National plan of action and child rights policy

10. Noting the progress made towards the establishment at the provincial and communal levels of children's rights committees, the Committee remains concerned at the lack of a comprehensive children's rights policy in the State party, at the absence of policy-making mechanisms which systematically take children's rights into consideration and at the absence of an up-to-date national plan of action for the implementation of a children's rights policy in priority areas. The Committee is concerned, in addition, that children's rights have not been sufficiently taken into consideration in past efforts to achieve peace in the State party.

11. The Committee recommends that a children's rights policy and a new national plan of action based upon the principles and provisions of the Convention be established and implemented in consultation and coordination with all relevant ministries and with civil society. The Committee recommends that the State party pursue efforts to establish provincial and communal child rights committees and that these bodies be used to effectively implement the children's rights policy and programmes related to the national plan of action at the local level. The Committee recommends that the State party seek assistance from UNICEF in this regard. The Committee urges, further, that the protection of child rights and the implementation of programmes to address priority child rights concerns be included in peace agreements.

Coordination

12. The Committee notes the State party's efforts to coordinate implementation of the Convention through the Council of Ministers, the Ministry with responsibility for human rights and the inter-ministerial follow-up Committee. The Committee remains concerned, however, that the efforts to coordinate are insufficient with regard to the promotion and implementation of the Convention and the involvement of NGOs in the process.

13. The Committee recommends that the State party review its coordinating mechanisms in order to facilitate the promotion and implementation of the Convention and ensure that adequate human and financial resources are allocated for this purpose. Further, the Committee recommends that appropriate measures be taken to include NGOs in the coordination process.

Data collection

14. The Committee notes with concern the breakdown of data collection mechanisms and that where data are collected they cover only children up to age 15.

15. The Committee recommends that the State party take steps to improve the collection of disaggregated data, including for children up to age 18, on priority areas of concern within the scope of the Convention and ensure that this information is used to improve the implementation of a child rights policy.

Monitoring mechanisms

16. The Committee is concerned that there is no mechanism to monitor the implementation of the Convention or to report complaints of violations of children's rights.

17. The Committee recommends that an independent mechanism be established to monitor implementation of the Convention and to record and report on violations of children's rights.

Available resources/budgetary allocations

18. In light of article 4 of the Convention, the Committee is deeply concerned at the low proportion of the national budget invested in health, education and social welfare in contravention of the World Bank's guidelines on minimum spending on these areas, and the high proportion of spending on defence. The Committee is also concerned that resources, whether from State allocations or from direct international assistance, are not distributed evenly among the population according to need. Further, the Committee notes the high proportion of the population living in poverty and is concerned at the impact of this situation on children.

19. In light of articles 2, 3 and 4 of the Convention, the Committee recommends that the State party raise the proportion of spending on health, education and social welfare to the maximum of available resources, with a view to ensuring access to these services for all children. The Committee recommends in addition that the State party ensure that resources are distributed as evenly as possible according to the needs of vulnerable populations and to all geographical areas. The Committee recommends further that the State party make every effort to ensure that programmes and services for the implementation of the Convention are maintained.

Involvement of civil society

20. The Committee is concerned that civil society, including NGOs, have insufficient opportunities to influence policy making and implementation with regard to children's rights. The Committee is also concerned that children do not have sufficient opportunities to participate in this process.

21. The Committee recommends that the State party take steps to involve a wide range of NGOs in child rights policy-making and implementation including, in particular, at the provincial and communal levels. The Committee recommends further that children be provided with more opportunities to participate in the work of NGOs.

Training

22. Recognizing the efforts made by the State party to promote the Convention and to provide training on its provisions for civil servants, the Committee is concerned that training on practical application of the Convention, particularly in the context of the developing network of provincial and communal child rights committees, is insufficient.

23. The Committee recommends that the State party continue and strengthen its efforts to promote the Convention and to conduct training on its provisions for particular professional groups including teachers, health professionals, including psychological care specialists, social workers, law enforcement officials, provincial and communal administrative officials, the members of provincial child rights committees and national ministerial officials with responsibility for children's rights, and the military. The Committee recommends further that the State party seek assistance in this regard from UNICEF.

2. Definition of the child (art. 1 of the Convention)

24. The Committee is concerned at the low minimum age of 12 at which formal education is no longer compulsory, and joins with the State party in expressing concern at the difference in the legal minimum ages for marriage of girls and boys, and at the low minimum age of recruitment to the armed forces.

25. The Committee recommends that the State party raise the legal school-leaving age to 16, which is the age at which children are legally permitted to work. The Committee recommends further that the State party pursue its efforts to harmonize the minimum ages for marriage of girls and boys and that legislative measures be taken to raise the minimum age of recruitment to the armed forces to 18.

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. The Committee is deeply concerned at gross violations of the right to be protected from discrimination and at the impact of discrimination upon children in the State party, and notes that discrimination takes different forms including by ethnic origin, gender, geographical origin (within the country) and social status. The Committee notes that killings and other acts committed in the armed conflict, and which have affected children, have frequently been perpetrated on the basis of ethnic origin. The Committee notes in addition that other forms of discrimination lead to concerns with regard to, inter alia, access to resources, inheritance of property, the right to a nationality and the access of girls to education. Further, the Committee is concerned that the State party does not appear to have taken fully into account either the provisions of article 2 or the Convention's other principles in its legislation and administrative and judicial practice as well as in programmes on behalf of children.

27. The Committee urges the State party to make every effort to end all discriminatory practices, to ensure equal respect for the rights of all children in the State party and to reinforce and ensure the implementation of existing laws related to non-discrimination. The Committee recommends that the State party commission and publish an independent study on the different types and causes of discrimination which affect children in the State party, with the aim of contributing to public discussion and the identification of solutions. The Committee urges the State party to restate its commitment to protect children from discrimination and to work with national and international partners to end discrimination. The Committee further urges the State party to use promotion of and training on child rights as a means of ending discrimination and to prosecute persons who violate non-discrimination provisions of the law.

Best interests of the child

28. The Committee is deeply concerned that the State party has not given the best interests of the child, as an individual or as a member of a vulnerable group, priority consideration.

29. The Committee recommends that the principle of the best interests of the child, both as an individual and as a member of a vulnerable group, be integrated into all future revisions of legislation and given due consideration in the context of administrative and judicial decisions.

Right to life, survival and development

30. The Committee is deeply concerned at the extensive violations of the right to life of children by, inter alia, armed conflict, deliberate killings by armed persons including members of the armed forces, State regroupment policies, other forms of population displacement, poor health and sanitation facilities, severe malnutrition and related illnesses, and as a result of the prevailing conflict between groups of the population.

31. The Committee strongly urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children within the State party through policies, programmes and services that target and guarantee protection of this right. The Committee further urges the State party to seek as much international assistance as possible in this regard.

The right of the child to be heard

32. The Committee is concerned that children are not given enough opportunities to express their views and that their opinions are not taken into consideration sufficiently, in particular within the family and in schools.

33. In the light of article 12 of the Convention, the Committee recommends that the State party provide educational information to, inter alia, parents, teachers, government administrative officials, the judiciary and the public in general on children's rights to participate and to have their views taken into consideration.

4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)

Nationality

34. The Committee notes that the State party has ratified the 1954 Convention relating to the Status of Stateless Persons, but remains concerned at the absence of legislation to implement the Convention's provision, as they affect children.

35. The Committee recommends that the State party consider adopting and implementing legislation to implement the 1954 Convention.

Birth registration

36. The Committee is very concerned at the large numbers of children whose birth is not being registered.

37. In the light of article 7 of the Convention, the Committee urges the State party to make every effort to ensure the registration of all children born, taking into account the particular situation of internally displaced persons, including those who have been regrouped, and refugees.

Cruel, inhuman and degrading treatment or punishment

38. The Committee is deeply concerned at severe violations of the rights to freedom of movement and to choose one's residence in the context of the State party's regroupment policy. The Committee is concerned further by the large number of children in regroupment camps and the extremely poor conditions in which they have to live, constituting, in many cases, cruel, inhuman and degrading treatment and violating numerous minimum standards with respect to children's rights.

39. The Committee urges the State party to complete, without further delay, the process of closing the regroupment camps and, pending closure, to guarantee respect of all the civil rights and freedoms of children and their families living in such camps.

Corporal punishment

40. The Committee is concerned that corporal punishment continues to be practised at home and in some schools and that domestic legislation does not prohibit its use.

41. The Committee recommends that the State party take all appropriate measures, including legislation, information campaigns and the promotion of alternative forms of sanctions which respect the physical and mental integrity of children, to end corporal punishment within the family, schools, juvenile justice and alternative care.

The protection of the law

42. The Committee is concerned that violations of human rights, including in particular the killing of civilians, committed against children or their parents are only rarely addressed through judicial processes and that this climate of impunity is detrimental to the overall respect of children's rights.

43. The Committee recommends that the State party make much greater efforts to investigate violations of human rights and to prosecute the perpetrators of these acts.

Access to information

44. The Committee notes with concern that a majority of children in rural areas do not have adequate access to information.

45. In light of article 17, the Committee recommends that the State party take all appropriate measures to ensure that children in all rural areas are provided with adequate access to information and that they are also protected from information which may be harmful to them.

5. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)

Family support

46. The Committee is deeply concerned at the breakdown in nuclear family structures, at the emergence of a high proportion of single-parent-headed households, child-headed households and grandparent-headed households, and at the immediate and long-term consequences that these weaknesses in the family structure may have on children. The Committee is also concerned at the strong bias in favour of fathers in the context of child custody disputes.

47. Noting the efforts already made in this regard, the Committee urges the State party to continue and strengthen support to families, including through assistance with agricultural production and legal and financial assistance in obtaining adequate housing and land and counselling to help resolve problems. The Committee urges the State party to give particular attention to the establishment of psycho-social and parental guidance programmes to strengthen vulnerable family units such as single-parent-, child- and grandparent-headed households. The Committee recommends in addition that the State party ensure that in granting one parent custody of a child the decision is made in accordance with the best interests of the child, with the child's participation and with consideration for the emotional needs of the child.

Child abuse and neglect

48. The Committee joins the State party in expressing concern at acts of cruelty, ill-treatment, abuse, including sexual abuse, and neglect and practices such as the seizure of property belonging to orphans which are committed against children in the context of the family, including the extended family.

49. In light of article 19, the Committee recommends that the State party take steps to establish effective mechanisms for the timely reporting of and response to domestic violence and abuse against or affecting children, to prosecute individuals who violate criminal law and to protect children from cruelty and other harmful acts such as the seizure of property from orphans. The Committee recommends further that the State party take measures to offer both physical and psychological care to those who have suffered, including assisting child victims through court and other proceedings and avoiding the risk of secondary victimization, and that these should be implemented in accordance with article 39 of the Convention.

Alternative care

50. Recognizing the large numbers of orphans and other children in need of alternative care in the State party, the Committee is deeply concerned at violations of child rights that occur in the context of alternative care at the lack of systematic monitoring of the situation of children in institutions or informal foster families, at the use of children for labour in some informal foster families and at reports indicating that many of these children do not have adequate emotional support or access to health and education services.

51. In light of article 21 of the Convention, the Committee recommends that the State party urgently develop, and implement, mechanisms to ensure the provision of suitable alternative care for children in need of such assistance and that monitoring mechanisms be established to guarantee a minimum standard of care, including in the long-term, and which ensure that such children are not used for labour and have access to education and health services. The Committee recommends further that a code of standards be adopted on care and protection of children deprived of a family environment. Recognizing the difficulties encountered by many families that provide alternative care for children, the Committee recommends that the State party continue and strengthen its support to such families, including by providing assistance to pay for health and education services.

6. Basic health and welfare
(arts. 6; 18, para. 3; 23; 24; 26; 27, paras 1-3 of the Convention)

Children with disabilities

52. Noting the current efforts by the State party, the Committee is concerned at the situation of children with physical and mental disabilities, and in particular at the limited specialized health care, education and employment possibilities available for them. The Committee is concerned further that poor health conditions and poverty are leading to an increase in the number of children with disabilities.

53. The Committee recommends that the State party review the situation of children with disabilities in terms of their access to suitable health care, education services and employment opportunities and that the State party establish a programme of action to address all areas of concern. The Committee recommends in addition that the State party take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69). The Committee further recommends that the State party sensitize the population to the rights of children with disabilities and the difficulties they must face in their daily lives. The Committee also suggests that the State party seek assistance from, inter alia, UNICEF and WHO.

Poor health and access to primary health care

54. The Committee is deeply concerned at low immunization rate, high levels of malnutrition and micro-nutrition deficiencies and extremely poor health conditions among children in general and particularly in camps. Further, the Committee is concerned at high mortality rates among children, high maternal mortality rates, at low investment in health care, the limited number of hospitals and health centres that are operational, the limited drug supply and relatively high cost of medicines, including generic drugs, and the concentration of medical professionals in Bujumbura city.

55. The Committee urges the State party to make significant increases in the health budget, to make every effort to improve public health, including primary health care, and to ensure adequate access for all children to health services, with particular regard to those living in rural communities and in camps. The Committee recommends that the State party implement integrated policies and programmes for the management of childhood illnesses and measures to improve child and maternal health. The Committee recommends that the State party seek the assistance of UNICEF and WHO in this regard.

56. The Committee is concerned at the lack of a comprehensive policy regarding the protection of social welfare, and that such protection is not equally accessible to the children of parents who are not employed in the civil service.

57. In light of article 26 of the Convention, the Committee recommends that the State party strengthen its efforts to extend the protection of social welfare to all sectors of the population, including through systems such as the health insurance card.

Adolescent health

58. The Committee is concerned at the lack of an adolescent health care policy, particularly with regard to reproductive health, early teenage pregnancy, mental health and problems related to the inhaling of substances such as glue and petrol and the use of marijuana.

59. The Committee recommends that the State party make additional efforts to develop a comprehensive adolescent health care policy and to provide reproductive health education and specialized assistance for the treatment of mental, reproductive and other health concerns of adolescents. In this context, the Committee recommends that the State party seek assistance from UNICEF and WHO.

HIV/AIDS

60. The Committee is deeply concerned at the high incidence of HIV/AIDS in the State party and its impact, either direct or indirect, on children and adolescents.

61. Noting the efforts made in this regard, including the national programme to combat HIV/AIDS, the Committee recommends that the State party pursue and increase its

current efforts to promote awareness and prevention of HIV/AIDS [xxx Note: reference to discussion day to be included here]. The Committee recommends that the State party seek assistance in this regard from UNAIDS, UNICEF and WHO.

Psychological care

62. Noting the current efforts to address trauma, the Committee is concerned at the inadequacy of specialized psychological care in almost all regions of the State party and the substantial need for such assistance among children who have suffered from, inter alia, the ongoing armed conflict, displacement, regroupment, sexual abuse and living conditions in camps. The Committee is concerned that the current ratio of mental health workers to population is very low.

63. The Committee recommends that the State party increase its efforts to make psychological assistance available to those children who have experienced trauma and to increase human resources in the area of psychological care by providing specialized mental health training for existing health professionals. The Committee urges the State party to seek assistance from UNICEF and WHO in this regard.

7. Education, leisure and cultural activities (arts. 28, 29, 31 of the Convention)

Education

64. The Committee is very concerned at the dramatic fall in the number of children attending primary and secondary school in the State party, at the insufficient number of qualified teachers working in rural communities and in camps, at the lack of adequate teaching equipment and at repeated attacks by armed persons on schools. The Committee is further concerned at the limited access of children with disabilities to formal or vocational educational opportunities and at the proportionally low number of girls attending primary or secondary school.

65. The Committee urges the State party to continue and strengthen its efforts to, inter alia, rebuild and reopen schools, recruit qualified teachers in those areas where they are needed, make available adequate teaching equipment and ensure that all children, including indigent and displaced children, have equal access to education opportunities. The Committee further recommends that the State party develop a clear programme of action for increasing children's access to formal education. The Committee recommends in addition that the State party ensure that children with disabilities have access to formal and vocational educational opportunities and that every effort be made to ensure that girls and boys have equal access to educational opportunities. In this regard, the Committee recommends that the State party seek assistance from UNICEF and UNESCO.

66. The Committee recommends, in addition, that the State party pursue its efforts to include "education for peace", children's rights and other human rights subjects in the curricula of primary and secondary schools, and that assistance be requested from UNICEF and UNESCO in this regard.

8. Special protection measures (arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Refugees and internally displaced children

67. The Committee is deeply concerned at the very large numbers of persons who have become refugees or internally displaced within the country and at the situation of those displaced children who are unaccompanied. The Committee is disturbed in particular by the massive numbers of people who been forcibly regrouped within the country and by the very poor, sometimes life-threatening conditions in displaced and regrouped persons camps, and the poor health and education services available to camp populations. The Committee notes that the State party has publicly promised to end the regroupment policy, but has failed to do so. The Committee notes further that efforts to trace the families of unaccompanied children have had limited success.

68. The Committee urges the State party to make every effort to protect the civilian population from displacement and to implement its plans to end regroupment, giving particular attention to the situation of unaccompanied children and the need for effective family tracing. The Committee further urges the State party to ensure that all displaced children and their families, including those who have been regrouped, have access to essential health and education services and to consider the need for continued access to such services during the often slow process of return to communities of origin. The Committee also urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes. In addition, the Committee urges the State party to continue to work closely with UNHCR towards establishing conditions conducive to the return of refugees in safety and in the context of a durable solution.

Children living and working on the streets or in the hills

69. The Committee is concerned at the situation of children living and working on the streets and children living on their own and without proper housing in the hills. The Committee is concerned, inter alia, about the poor access of such children to health, education and other services, about reports that the number of children living or working on the streets is continuing to increase, and about the particular vulnerability of girls in these situations.

70. The Committee recommends that the State party reinforce the current efforts on behalf of street and "hill" children and ensure that these children are protected and have access to health and education services. Taking into consideration the limited availability of social workers and the scarcity of resources, the Committee recommends that the State party give greater support to the work of NGOs in this domain and provide the police services with training on children's rights so that the police can contribute to the protection of children from acts of violence or other abuse while on the street. The Committee recommends that special attention be given to improving the situation of girls. The Committee recommends further that the State party seek assistance from UNICEF in this regard.

Children in armed conflict

71. The Committee is concerned about the participation of children in the State party's armed forces, either as soldiers, or as helpers in camps or in the obtaining of information. The Committee is also concerned about reports of widespread recruitment of children by opposition armed forces. The Committee is further concerned at reports of sexual exploitation of children by members of the armed forces. The Committee is deeply concerned about violations of the provisions of international humanitarian law relating to the treatment of civilians in armed conflict.

72. The Committee urges the State party to end the use of children as soldiers or in any other way related to the armed conflict and to demand, in the context of peace negotiations, that opposition armed forces also cease to use children as soldiers. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts at the earliest opportunity. In addition, the Committee urges the State party to ensure that the sexual exploitation of children by members of the armed forces is brought to an end and that the perpetrators are prosecuted. The Committee recommends further that the State party provide demobilized children, and others who have been linked to armed forces or groups, with assistance towards their social reintegration. The Committee recommends that full respect of the provisions of international humanitarian law be guaranteed.

Juvenile justice

73. Noting the efforts made to appoint judges for cases involving juveniles, the Committee is concerned at the weakness of juvenile justice facilities in the State party. In particular, the Committee is concerned that children who have been charged with a criminal offence are obliged to wait long periods of time before a trial is held and that the duration of pre-trial detention of children frequently exceeds the maximum prison sentence to which a child can be sentenced if found guilty. Investigations into criminal accusations made against children are extremely slow. In addition, the Committee is concerned that children are usually detained or imprisoned in the same facilities as adults and that conditions of detention are very poor. The Committee is also concerned to learn that children under the established minimum age of criminal responsibility of 13 are frequently detained.

74. The Committee urges the State party to make every effort to ensure that investigations and trials of children accused of committing criminal acts are conducted rapidly, that periods of pre-trial detention are kept to a minimum, that children are detained or imprisoned separately from adults and that conditions of detention are improved. The Committee urges the State party to ensure that no children under the age of 13 are detained or imprisoned, in accordance with domestic legislation. The Committee recommends that the State party make further efforts to ensure that the Convention is implemented and respected, in particular articles 37, 40 and 39, along with other United Nations standards in the field of juvenile justice, including the United Nations

Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

Sexual exploitation

75. The Committee is concerned that children have been the victims of sexual exploitation, sometimes by those persons who are responsible for their care.

76. The Committee recommends that the State party make every effort to end and prevent the sexual exploitation or abuse of children, giving particular attention to children living in camps. The Committee recommends in particular that the State party develop and implement a multidisciplinary plan of action to address the sexual exploitation of children and encourages the State party, in its efforts to address commercial sexual exploitation, to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996. The Committee also recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Minorities

77. The Committee is deeply concerned about the poor situation of Batwa children and the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to a culture and to be protected from discrimination.

78. The Committee urges the State party urgently to gather additional information on the Batwa people, to strengthen the representation of Batwa in national policy-making and to elaborate a plan of action to protect the rights of Batwa children, including those rights related to minority populations and indigenous peoples.

Dissemination of the report, written answers, concluding observations

79. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

**Concluding observations of the Committee on the Rights of the Child:
United Kingdom of Great Britain and Northern Ireland - Isle of Man**

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland - Isle of Man (CRC/C/11/Add.19 and Corr.1), received on 15 April 1998 and 14 September 1999, at its 647th meeting (see CRC/C/SR.647), held on 21 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report on the Isle of Man, which followed the established guidelines, and the written replies to its list of issues (CRC/C/Q/UK-IM/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee expresses its satisfaction that the inclusion in the delegation of representatives from the Isle of Man who are directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children on the island.

* At the 669th meeting, held on 6 October 2000.

B. Positive aspects

3. The Committee notes the Children and Families Services Plan (1997-2001) and the 1999 update of the Plan which dealt, inter alia, with children with disabilities, child protection, residential care, foster care and adoptions, juvenile justice and family support matters.

C. Subjects of concern and Committee recommendations

1. General measures of implementation

Reporting

4. The Committee notes with concern that the State party has not yet extended the Convention to all of its Crown Dependencies, specifically Jersey and Guernsey.

5. The Committee recommends that the State party submits in its next periodic report, information concerning the measures taken to extend the Convention to all of its Crown Dependencies.

Reservations to the Convention

6. The Committee is concerned that the reservations made by the State party with respect to articles 32 and 37 (c) of the Convention on the Rights of the Child have not yet been withdrawn and are still applicable to the Isle of Man. The Committee welcomes the island's commitment to discussing further the possible withdrawal of all of its reservations to the Convention.

7. In the light of the 1993 Vienna Declaration and Programme of Action, the Committee encourages the State party to consider the possibility of reviewing its reservations with a view to their full withdrawal, including with respect to the Isle of Man. In order to remove the apparent obstacles to the withdrawal of the reservation to article 37 (c) of the Convention, the Isle of Man is encouraged to reinforce it efforts to complete the construction of a separate security unit for children deprived of their liberty.

Legislation

8. The Committee notes that the Isle of Man will introduce in the next session of the legislature a new Children and Young Persons Bill, as well as bills to incorporate the Hague Convention on Protection of Children in Respect of Intercountry Adoption of 1993 and the European Convention on Human Rights. The Committee is concerned, however, that domestic legislation in the Isle of Man does not fully reflect the principles and provisions of the Convention. In this context, the Committee expresses concern that the draft Children and Young Persons Bill focuses more on a social welfare and service approach rather than a rights based approach to child protection and care.

9. The Committee encourages the State party to continue its efforts in the area of law review and reform in order to ensure that the laws are in full conformity with the principles and provisions of the Convention and reflect a rights based approach to child protection and care.

Coordination

10. The Committee notes that the Department of Health and Social Security is the principal agency with responsibility for child welfare in the Isle of Man. The Committee further notes the role of the Department in the development and implementation of the Child Care Strategy, introduced in 1997. The Committee is concerned, however, that insufficient efforts have been made to establish a more comprehensive coordinating mechanism to promote and implement the Convention and to ensure greater involvement of all government agencies working with and for children, as well as the wider civil society, in the process. Concern is also expressed that non-governmental organizations (NGOs) were not included in the preparation of the report of the Isle of Man.

11. The Committee recommends that the Isle of Man establish a coordinating mechanism for the promotion and implementation of the Convention and allocate adequate resources (human and financial) to ensure its effective functioning. The Committee encourages the Isle of Man to continue its efforts to extend the Child Care Strategy for an additional five years and to develop the strategy further in order to ensure greater participation by all relevant government agencies and departments. It is also recommended that the Isle of Man consider elaborating a comprehensive plan of action for the implementation of the Convention. Additionally, the Isle of Man is encouraged to reinforce its efforts to include NGOs in the promotion, coordination and implementation of children's programmes. Efforts should also be made to ensure their participation in the preparation of the next periodic report of the Isle of Man.

Data collection

12. The Committee is concerned that the data collection mechanism of the Isle of Man includes the collection of data on children up to the age of 15 years only.

13. The Committee recommends that the Isle of Man take all appropriate measures to ensure the development of a comprehensive data collection mechanism that incorporates all the areas covered by the Convention and covers all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children in the juvenile justice system; children born out of wedlock; child victims of sexual abuse and neglect; institutionalized children; child victims of drug abuse; and children with disabilities.

Monitoring mechanisms

14. While the Committee notes that the Police Act provides for the creation of a police complaints commission to address human rights violations by the police, it is concerned that insufficient efforts have been made to establish a child rights focal point within the Commission to address complaints of violations of the rights of children by the police. The Committee also notes with concern that children are not allowed to submit complaints to the Police Complaints Commission unless a relevant adult is present while the statement of complaint is being taken. Concern is also expressed at the insufficient efforts made to establish an independent, child-friendly, human rights monitoring mechanism to review administrative decisions affecting children and to address complaints from children concerning violations of their rights by government agents other than the police.

15. The Committee recommends the establishment of a child rights focal point within the Police Complaints Commission. It also recommends that the Isle of Man consider introducing measures to facilitate children who wish to do so making complaints to the Commission in the absence of an adult. It further recommends that the Isle of Man reconsider establishing an independent, child-friendly, accessible mechanism, separate from the Police Complaints Commission, to address complaints from children concerning violations of their rights and to provide remedies for such violations, in keeping with the Paris Principles (United Nations General Assembly resolution 48/134). In this context, the introduction of awareness-raising campaigns is encouraged in order to facilitate the effective use of these mechanisms by children.

Dissemination

16. The Committee notes that the Isle of Man has introduced a code of practice on access to government information which, inter alia, governs access to information on international agreements, including the Convention. The Committee also notes that the Isle of Man intends to make available, on its Web site, all of its periodic reports to United Nations human rights treaty bodies and to introduce training on human rights, including children's rights. However, the Committee is concerned that insufficient efforts have been made actively to disseminate the principles and provisions of the Convention and that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights based approach enshrined therein.

17. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee encourages the Isle of Man to reinforce its efforts to introduce training on and/or sensitization about the Convention for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. Efforts should also be made to raise awareness among the media about the rights of children. The Committee also recommends that the Isle of Man integrate the Convention into the curricula at all levels of the educational system.

2. Definition of the child

18. The Committee notes with concern that the Children and Young Persons Bill proposes to abolish the presumption that children between the ages of 10 and 14 years are doli incapax (incapable of committing a criminal offence), which means that legally the minimum age of full criminal responsibility is lowered from 14 to 10 years. The Committee expresses concern regarding the low legal age for criminal responsibility in the Isle of Man (10 years). Additionally, the Committee is concerned that the law does not adequately provide for the special protection and care of children who have attained the age of 17 years.

19. The Committee strongly recommends that the Isle of Man reconsider its decision to abolish the principle of doli incapax for very young children. The Committee also recommends that the Isle of Man review its legislation with a view to increasing the age of criminal responsibility and to ensuring full conformity with the principles and provisions of the Convention. It further recommends that existing legislation be reviewed so as to guarantee adequate protection and care for all children below the age of 18 years.

3. General principles

20. The Committee wishes to express its concern that the Isle of Man does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children.

21. It is the Committee's view that further efforts should be undertaken to ensure that the principles of the Convention are appropriately integrated into all legal amendments, as well as judicial and administrative decisions, and projects, programmes and services which have an impact on children. The Committee recommends that the Isle of Man take all appropriate measures to ensure that policy discussions and decision-making regarding the rights of children are guided by the general principles of the Convention, in particular the principle of respect for the views of the child.

Non-discrimination

22. The Committee expresses concern that the Isle of Man does not appear to have fully taken into account article 2 (the general principle non-discrimination) of the Convention in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. In this context, concern is expressed at the insufficient efforts made to provide against discrimination based on sexual orientation. While the Committee notes the Isle of Man's intention to reduce the legal age for consent to homosexual relations from 21 to 18 years, it remains concerned about the disparity that continues to exist between the ages for consent to heterosexual (16 years) and homosexual relations.

23. It is recommended that the Isle of Man take all appropriate measures, including of a legislative nature, to prevent discrimination based on the grounds of sexual orientation and to fully comply with article 2 of the Convention.

4. Family environment and alternative care

Domestic violence, ill-treatment and abuse

24. The Committee notes the efforts of the Isle of Man to prevent domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children through, inter alia, the introduction of the Child Protection Policy, the employment of family aids to work with at risk families and the establishment of family centres to provide training in parenting. In this regard, the Committee also notes the establishment of a sex offenders therapy programme for adult perpetrators found guilty of child abuse. The Committee remains concerned, however, at the increasing incidence of domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children.

25. In the light of article 19, the Committee recommends that the Isle of Man reinforce its efforts to prevent and combat domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children. It is further recommended that the Isle of Man take all appropriate measures to ensure that cases of domestic violence, ill-treatment and sexual abuse of children are properly investigated within a child-friendly judicial procedure and that sanctions are applied to perpetrators, due regard being given to protecting the right to privacy of the child. Additionally, all appropriate measures should be taken to guarantee the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention.

Corporal punishment

26. While noting that the Education Bill 2000 will prohibit the use of corporal punishment in schools and that the Criminal Justice Bill 2000 will prohibit its use within the juvenile justice system, the Committee is gravely concerned that corporal punishment is still practised and widely accepted in the Isle of Man.

27. The Committee recommends that the Isle of Man reinforce its efforts to prohibit by law and eliminate the use of corporal punishment in schools, care institutions and the juvenile justice system. The Committee further recommends that the Isle of Man take all appropriate measures to prohibit the use of corporal punishment in the home. In this context, it is suggested that awareness raising and education campaigns be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

5. Basic health and welfare

Adolescent health

28. The Committee notes the efforts of the Isle of Man to address adolescent health concerns, particularly in the area of alcohol abuse. In this regard, the Committee notes the elaboration of an alcohol strategy and the development of an alcohol prevention programme at the secondary school and college levels. While welcoming the "Smoke Busters" programme introduced at the primary and lower secondary school levels to prevent and combat smoking among children, the Committee expresses concern that cigarette smoking is still prevalent among school-age children, especially girls. While the Committee notes the enactment of the Mental Health Act, which came into force in April 2000, it is concerned that additional efforts are needed to strengthen child mental health services. The Committee further notes that additional efforts are also needed better to address adolescent reproductive health concerns, particularly as regards teenage pregnancy and sexually transmitted diseases (STDs).

29. The Committee encourages the Isle of Man to reinforce its efforts in addressing drug and alcohol abuse and cigarette smoking among adolescents, especially among schoolgirls. The Committee recommends that all appropriate measures be taken to strengthen reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent reproductive health concerns, including the incidence of STDs. Additionally, it is recommended that the Isle of Man undertake further measures, including the allocation of adequate human and financial resources, to ensure the provision of youth-friendly care, counselling and rehabilitation services for adolescents and to strengthen child mental health services.

Disabilities

30. The Committee notes the efforts of the Isle of Man to establish programmes for children with disabilities, including integration and community based care programmes. It is concerned, however, that insufficient efforts have been made to ensure adequate legal protection of children with physical disabilities.

31. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations the Committee adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, chap. IV.D), the Committee recommends that additional efforts be made to: enhance early identification programmes to prevent disabilities; strengthen special education programmes for children with disabilities; and, where possible, encourage the inclusion of children with disabilities in the regular school system and more generally in society. Adequate resources should be allocated to ensure the effective

implementation of programmes for children with disabilities and to encourage further training for professionals working with and for these children. The Committee also recommends the enactment of legislation to guarantee the rights of children with physical disabilities.

Social Security

32. The Committee notes that the Isle of Man's social security system provides financial support to families with children and additional assistance to single parent and low income families. The Committee also notes that the social security system provides for the training, education and employment of young people aged 16 and 17 years who are unable to find employment. The Committee is concerned, however, that additional efforts are needed to strengthen the social security system to ensure the full implementation of the economic, social and cultural rights of all children below the age of 18 years.

33. The Committee encourages the Isle of Man to reinforce its efforts to provide adequate support and assistance through its social security support for economically disadvantaged children below the age of 18 years.

6. Education, leisure and cultural activities

34. The Committee welcomes the "INCLUDE" programme and the "Bridge" project, which provide additional support to students with behavioural concerns. It is noted with appreciation that student councils have been established to encourage the participation of such children within the school environment. The Committee notes that the Manx Gaelic language is currently taught as an option in all primary schools for a two-year period and that the Department of Education is currently reviewing the possibility of establishing a Gaelic-medium School, to commence in September 2002. While the Committee notes that the Isle of Man has appointed attendance officers to ensure the regular attendance at school of students of compulsory school age, it is concerned about the insufficient information provided on truancy and drop-out rates and the programmes implemented to prevent and discourage these practices. The Committee notes that the efforts to include the National Council for Vocational Qualifications (NCVQ) courses in the school curriculum for students between the ages of 14 and 16 years have regrettably been unsuccessful. While noting that students may, through their parents, discuss with the school principal any concerns regarding violations of their rights, the Committee is concerned that insufficient effort has been made to establish a formal complaints procedure for students whose rights have been violated.

35. The Committee encourages the Isle of Man to continue its efforts in promoting the Gaelic language in schools. The Committee recommends that the Isle of Man provide additional information on the actual situation of education in its next periodic report, particularly as regards truancy and drop-out rates. The Committee encourages the Isle of Man to continue its efforts to develop vocational options for children between the ages of 14

and 16 years. The Committee further encourages the Isle of Man to establish a complaints procedure within the school system for students, at all levels, whose rights have been violated.

7. Special protection measures

Child labour

36. The Committee notes the Isle of Man's reservation with respect to article 32 of the Convention and is concerned about the lack of information and adequate data on the situation with regard to child labour and economic exploitation in the island.

37. The Committee encourages the Isle of Man to consider withdrawing its reservation to article 32 of the Convention. The Committee recommends that the State party undertake a comprehensive study to assess the situation with regard to child labour in the Isle of Man. Additionally, the Committee encourages the Isle of Man to introduce and/or strengthen, where appropriate, monitoring mechanisms to ensure the enforcement of labour laws and to protect children from economic exploitation, particularly in the informal sector. The Committee also suggests that the State party consider extending to the Isle of Man ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour. The Committee further suggests that the State party consider extending to the Isle of Man ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Drug and substance abuse

38. The Committee notes that the Isle of Man has elaborated a five year drug strategy and developed a drug prevention programme at the secondary school and college levels. However, the Committee is concerned about the increasing incidence of drug abuse among youth on the island. The Committee notes the introduction of an "arrest referral scheme" and welcomes any steps to divert child victims of drug abuse from entering the criminal justice system.

39. In the light of article 33 of the Convention, the Committee recommends that the Isle of Man reinforce its programmes to guarantee greater protection of children against the illicit use of narcotic drugs and psycho-tropic substances and to prevent the use of children in the illicit production and trafficking of such substances. The Isle of Man is also encouraged to continue its efforts to strengthen rehabilitation programmes for child victims of drug and substance abuse.

Juvenile justice

40. The Committee notes the efforts of the Isle of Man in the area of juvenile justice, in particular the recent enactment of the Police Powers and Procedures Act (1998) which, inter alia, introduces additional safeguards for children under the age of 17 years who come into conflict with the law. The Committee regrets that the Act does not provide adequate legal protection for

all children below the age of 18 years. The Committee notes that the Isle of Man legislature is currently considering the Criminal Justice Bill 2000, which is intended, inter alia, to prohibit the imposition of corporal punishment as a sentence by the island's courts. The Committee is concerned about the dearth of information regarding the practical implementation of the legislative and policy initiatives undertaken in the juvenile justice system, particularly with respect to:

(a) The attempts to shorten the length of time before the hearing of juvenile cases; the adequacy of facilities for children in conflict with the law, including girls; and the availability of trained personnel to work with children in this regard;

(b) Adequate access to education, health, counselling and other rehabilitative services; and the availability of a complaints mechanism for children whose rights have been violated.

41. The Committee recommends that the State party submit, in its next periodic report, additional information regarding the practical implementation of the legislative and policy initiatives undertaken in the Isle of Man within the juvenile justice system to ensure that:

(a) The juvenile justice system is reformed in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Training programmes on relevant international standards are introduced for all professionals involved with the juvenile justice system;

(c) Deprivation of liberty is considered only as a measure of last resort and for the shortest possible period; the rights of children deprived of their liberty are protected, including their right to privacy; and children remain in contact with their families while in the juvenile justice system.

42. The Committee encourages the Isle of Man to reinforce its efforts to enact the Criminal Justice Bill 2000, which will prohibit by law the imposition of corporal punishment as a sentence by the island's courts.

8. Ratification of the Optional Protocols

43. The Committee recommends that the State party consider ratifying and extending to the Isle of Man the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

9.. Dissemination of reports

44. **The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**